ORDINANCE OF THE CITY OF BATESVILLE, MISSISSIPPI, REGULATING THE RENTING OF REAL PROPERTY FOR PURPOSES OF RESIDENTIAL OCCUPATION

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF BATESVILLE, MISSISSIPPI, AS FOLLOWS:

ARTICLE I

GENERAL REGULATIONS

Section 100. Scope.

The code shall apply to all rental housing units located within the City of Batesville, Mississippi, including manufactured and modular homes, single family homes, and multifamily units. The intent of this code is to establish base standards for rental housing in Batesville so as to prevent or correct slum and blighted conditions and protect the health, safety, and welfare of the community.

Section 101. Designation of Administrator.

The Chief Building Official for the City of Batesville is hereby designated as the Administrator of this Code and may delegate duties of this Code to the code enforcement officers.

Section 102. Definitions.

For purposes of this article, the following words, terms, and phrases shall have the meaning respectively ascribed to them as follows, unless the context clearly indicates.

1. ***Accessory Use Areas***: Are areas and buildings around a rental dwelling which provide space for amenities and facilities, including but not limited to pay phones, picnic areas, recreation areas, laundry rooms, recreation rooms, refuse collection facilities, and accessory storage buildings.

2. ***Agent***: Is a person authorized by the owner of a rental housing unit to make or order repairs or service to the unit and authorized to receive notices on behalf of the owner.

3. ***Approved***: Means in conformance with the appropriate codes and approved by the Administrator or his designee.

4. ***Chief Building Official***: The city official designated by the Mayor and Board of Aldermen to administer and enforce this ordinance, and such representatives as may be designated by Chief Building Official.

5. ***Certificate of Compliance***: A certificate issued pursuant to this ordinance by the Chief Building Official showing that a rental housing unit is in compliance with the provisions of this ordinance.

6. ***Change of Occupancy***: When a rental housing unit is vacated and is occupied by a new tenant, or a change in the identity of the Lessee.

7. ***City***: The City of Batesville, Mississippi.

8. ***Deterioration***: Means a lowering in quality of the condition or appearance of a building, structure or premises characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect, damage, or lack of maintenance.

9. ***Dwelling***: Means an enclosed occupied or unoccupied space designed as or being used as permanent living facilities, including single family and multifamily dwellings, apartments, accessory use areas, manufactured homes, modular homes, and mobile homes, and includes the land upon which same is located.

10. ***Exterior Opening***: Means an open or closed window, door, or passage between interior and exterior spaces.

11. ***Failure to Comply***: Means a failure, refusal, or neglect to obey an official order or comply with any adopted ordinances of the City of Batesville.

12. ***Fee Schedule***: The schedule of fees established by resolution or ordinance of the Mayor and Board of Aldermen of the City [Board of Aldermen]. The Board of Aldermen may from time to time modify this schedule of fees as necessary.

13. ***Gang Boxes***: Means a group of postal service mail boxes clustered together serving a residential area.

14. ***Glazed***: Means fitted with glass.

15. ***Habitable Room***: Means a room or enclosed floor space within a rental housing unit used, intended to be used or designed to be used for living, sleeping, eating, or cooking and excludes bathrooms, laundry rooms, halls, closets, and storage places.

16. ***IPMC***: International Property Maintenance Code.

17. ***Impervious***: Means incapable of being penetrated or affected by water or moisture.

18. ***Infestation***: Is the presence or apparent presence of insects, rodents, vermin, or noxious pests of a kind or in a quantity that endangers health within or around a dwelling or may cause structural damage to the dwelling.

19. ***Inoperable vehicle or junk vehicle***: Is a vehicle which is physically incapable of operation, stripped, substantially damaged, discarded, displays no current license tag, or is unable to be safely and legally operated.

20. ***Landscaping***: Is the combination of elements such as trees, shrubs, ground covers, vines, and other organic and inorganic material for the express purpose of creating an attractive and pleasing environment.

21. ***Lessee***: A person or entity who receives the use and possession of a rental housing unit. The person to whom a lease is made.

22. ***Entity***: An association, corporation, Limited Liability Company, partnership, or other organization or individual.

23. ***Makeshift***: Means not in accordance with the requirements of this code, any ordinance of the City or rules or regulations adopted thereunder, accepted practices, prevailing standards, and design of a licensed contractor or manufacturer's recommendation.

24. ***Manager***: Means any person who has charge, care, or control of a rental housing unit.

25. ***Occupant***: Means any person living in, sleeping in, or possessing a rental housing unit.

26. ***Owner***: Means a person, persons, or legal entity listed as the current titleholder of the rental housing unit, as recorded in the official land records of Panola County, Mississippi.

27. ***Parking Area***: Means any area adjacent to a rental housing unit which was designed for or is used for the purpose of parking vehicles. This does not include landscaped, unpaved, or yard areas.

28. ***Proof of Ownership***: A current title opinion of an attorney licensed in Mississippi, or a copy of a recorded deed and most recent ad valorem tax receipt pertaining to the land upon which the rental housing unit is located.

29. ***Rental Housing Unit***: Means that portion of a dwelling for which payment or other consideration is being made to an owner, agent, or manager for the use or occupancy of that portion as an independent living facility, excluding transient occupancy such as hotels and motels. It also means each apartment or each rental unit within an apartment complex.

30. ***Slum-Like***: Means the unsightly condition of a building, structure, or premises characterized by deterioration or other similar conditions and the visible outdoor storage of junk, garbage or rubbish, regardless of the condition of other properties in the neighborhood.

31. ***Sound Condition***: Means free from decay and/or defects and in good working condition.

32. ***Specific Lighting***: Means artificial illumination which was designed and installed to provide adequate lighting for a specific area.

33. ***Storage***: Means placing or leaving personal property in a location for the purpose of preservation, seasonal, or future use or disposal.

34. ***Vehicle***: Is an automobile, truck, trailer, camper, recreational vehicle, boat, or motorcycle.

Section 103. Rental Registry

There is hereby created the Batesville Rental Registry established for the purpose of listing all rental housing units in the City of Batesville.

Section 104. Registration Required.

It shall be unlawful for any person and/or entity to maintain or operate any rental housing unit or units within the City of Batesville unless such person or entity has registered the property.

Section 105. Registration Fee.

(a) Fees relative to the administration of this ordinance are set forth herein, which may be amended from time-to-time by the Board of Aldermen.

(b) A late registration fee will be assessed in the amount of $10.00 per unit multiplied by the number of calendar months or part of month that the registration is past due. A fee of $250.00 will be assessed for failure to register a rental housing unit within ninety (90) days of expiration of annual registration. Each person or entity who engages in leasing one or more rental housing units within the City of Batesville shall also obtain a Privilege License as required by the City of Batesville, Mississippi, for operation of a business pursuant to State Statute 27-17-9.

Section 106. Annual Registration Application.

(a) ***Annual Registration***. A person or entity operating one or more rental housing units in the City of Batesville shall register the rental housing unit(s) each April 1 beginning with the year 2022 and continuing in each consecutive year thereafter. Applications for such registration shall be filed with and issued by the Administrator. The application shall be in writing, signed by the property owner, agent, or designee and shall include the following:

(1) A registration fee, payable to the City of Batesville, at the time of registration;

(2) The applicant's name, mailing address, work and home telephone number or other available contact information;

(3) Proof of ownership of the rental housing unit.

(4) The location and parcel number of the property on which the rental housing unit is located;

(5) For new construction, complete site plan of the rental housing unit(s) showing it is in conformity with the requirements included within the Rental Housing Code;

(6) For new construction, plans and specifications of all buildings, improvements, and facilities to be constructed on the same real property on which the rental housing unit is to be located.

(7) Such other information as may be requested by the Administrator to enable him to determine if the proposed rental housing unit will comply with all codes and ordinances.

(b) ***Inspection Required before Registration***. Before any Certificate of Registration is issued by the Administrator, the applicant shall authorize the Administrator to inspect the rental housing unit(s) for which an application for registration has been made. The Administrator or his designee may inspect only a portion of the rental units within a rental housing unit complex if the Administrator determines an inspection for the entire complex is not needed. Every landlord who retains all utilities in his/her name is required to have all rental units inspected once a year or with each tenant change, whichever occurs first. All utilities must be turned on at the time of the inspection in order to inspect all systems, appliances, and equipment.

(a) The Administrator shall within ten (10) business days of receipt of the registration application, either issue a certificate of registration or notify the owner that the application does not comply with the requirements of this ordinance.

(b) The Administrator may, at any time, require additional relevant information of the owner or property agent to clarify items on the application of registration.

(c) If a violation exists that requires correction then the violation shall be corrected and a re-inspection must be completed before an inspection certificate will be issued. Re-inspection fee(s) for residential property are as prescribed in the schedule of fees.

(c) ***Registration Renewal***. Upon application in writing for renewal of a registration issued under this ordinance and upon payment of the annual registration fee, the Administrator shall issue a certificate renewing such registration for another year. The Administrator may, in his discretion, inspect the rental housing unit for which application is being made before a renewal of the Certificate of Registration is issued.

(d) ***Registration Transfer***. A rental housing unit registration is not transferable to a new owner. Each new owner of a rental housing unit shall make application of registration with the Administrator within ten (10) calendar days following the date on which ownership of a rental housing unit was acquired and pay any applicable fees.

Section 107. Registration Revocation.

The Administrator may revoke any registration to maintain and operate a rental housing unit(s) when the owner or agent has failed to comply with any provisions of this ordinance. After such revocation, the Certification of Registration may be reissued if the circumstances leading to the

failure to comply have been remedied and the rental housing unit(s) is being maintained and operated in full compliance with the law. All city utilities to the rental housing unit(s) will be terminated if registration is revoked until compliance is met and a new Certificate of Registration is issued.

Section 108. Authority to Inspect.

(a) ***Personnel.*** The Administrator is authorized to make reasonable and necessary inspections of rental housing unit(s) to determine compliance with this article and applicable codes and ordinances of the City.

(b) ***Access.*** Every owner, agent, manager, or Lessee of a rental housing unit shall, upon reasonable notice, allow access to any part of such rental housing unit at all reasonable times for the purpose of making such inspections. If the owner, agent, manager, or tenant refuses access to make an inspection, the City of Batesville is authorized to obtain an inspection warrant based upon probable cause. If complaint is made to the City of Batesville of conditions in any rental housing unit(s) which may be in violation of any applicable City Code, the City of Batesville is authorized to investigate such complaint without notice.

(c) ***Scope of Inspection.*** An Administrator may expand the scope of an inspection to include other city code violations discovered during the inspection.

(d) ***Compliance.*** If upon inspection, violations of interior or exterior standards exist, the owner, agent or manager will be required to correct all violations within a reasonable period of time, or within thirty (30) days as determined by the Administrator. Failure to comply with the order of the Administrator may result in the revocation of the existing Certificate of Compliance and may include the termination of City utilities. In the event the rental housing unit becomes unoccupied, future occupancy will be prohibited until all violations have been corrected and the unit has been re-inspected by the City and deemed to be in compliance with application for a new Certificate of Occupancy shall have been issued.

(e) ***Frequency.*** All rental housing units shall be subject to an Inspection at any time there is a credible complaint or other indication of a violation of this code or any other applicable Code of the City of Batesville's Code of Ordinances. Under no circumstances shall a registered residential housing unit go without a safety inspection for more than three (3) consecutive years.

ARTICLE II

RENTAL HOUSING STANDARDS

Section 200. General.

Rental Housing Units in the City of Batesville shall comply with this section.

Section 201. Adopted Property Maintenance Code.

Every Rental Housing Unit shall comply with the International Property Maintenance Codes (IPMC) in effect at time of inspection.

Section 202. Minimum General Requirements for Rental Housing Units.

(a) The following items are not a complete list of requirements as established in the adopted International Property Maintenance Code, but constitute minimum general requirements for rental housing units. If any Rental Housing Unit has one or more of the following conditions then it does not comply with the minimum general requirements listed herein and shall be considered a nuisance and a violation of this ordinance:

(1) No operating heating facilities between November 1 and March 30 of any year;

(2) No potable water service;

(3) No hot water supply;

(4) No electricity;

(5) Presence of rodents, mice or other infestations;

(6) Failing or failed primary structural members that threaten the stability of the rental housing unit defects that appear to render the structural members ineffective;

(7) Improperly operating or no sanitary sewer facilities;

(8) Presence of raw sewage or open sewer, inside of the rental housing unit or outside the rental housing unit;

(9) Primary means of exit or escape in the event of fire or other emergency are blocked or structurally unsafe;

(10) Absence of fully operational smoke alarms, as required under the regulations of the City of Batesville and the International Residential Code;

(11) Absence of garbage and sanitation receptacles as required by city ordinance;

(12) Absence of access directly to the outside or to a common corridor. Bedrooms must have at least a 5.7 square foot operational window, or an exterior door that is operable from the outside. Exterior windows must be free of defects, capable of opening and closing, and have working locks;

(13) The interior of the residential rental property is not free from rubbish and garbage;

(14) No presence of mold or mildew;

(15) No upholstered furniture may be stored on porches.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

Section 300. Commencement of Action.

(a) This Administrator is assigned the primary responsibility of enforcing this Ordinance and is granted the authority expressly and impliedly needed and necessary for enforcement.

(b) Nothing in this section shall preclude employees of the City of Batesville or the Chief Building Official from seeking voluntary compliance with the provisions of this ordinance or from enforcing this ordinance, proactively or reactively, through warnings, citations, or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

(c) The Administrator is authorized to recommend reasonable and necessary rules and regulations to carry out the provisions of this ordinance which shall be approved by resolution of the Mayor and Board of Aldermen.

(d) Any person who shall knowingly and willfully violates the terms, conditions, or provisions of this ordinance, shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of $100.00 for the first conviction and the sum of $250.00 for the second conviction, and the sum of $500.00 for the third conviction. Each day the violation continues shall be a separate offence.

Section 301. Vacation of Tenants; Re-occupancy.

(a) ***Comply Even if Vacated.*** An owner or agent or manager served with a citation or enforcement proceeding for violations of this ordinance shall not be relieved from responsibility to comply because the tenant(s) have vacated the rental housing unit.

(b) ***Compliance before Re-occupancy.*** The owner, agent or manager of a rental housing unit shall not lease, rent, or otherwise make available for occupancy by tenants any unit for which a citation has been issued or an enforcement action has been instituted until the violations contained in the citation or enforcement proceeding have been corrected and inspected and a new

Certificate of Occupancy has been issued and all fees are paid. The Administrator may choose to forego inspection of the rental housing units which historically have complied with all applicable codes and ordinances. EXCEPTION: Inspection will not be required for rental housing units that have passed inspections within the last twenty-four (24) months. Valid current Certificate of Occupancy must be presented to utility department to turn on utilities when occupied by new tenant.

Section 302. Transfer and Termination of Certificate of Compliance.

Upon receipt of a written notice that the owner will begin to occupy a unit, or upon written notice and proof of a sale, transfer, or conveyance of a rental housing unit to a new owner who will occupy the premises with no portions rented, the Administrator shall terminate any Certificate of Compliance and remove the rental housing unit from the City's registry of rental housing dwellings.

Section 303. Conflict.

In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the city, existing on the effective date of this code, the provision which establishes the higher standard for the promotion of the health and safety of the community shall prevail.

Section 304. Repealer.

That all provisions of the ordinances of the City of Batesville in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Batesville not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 305. Validity.

That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Section 306. Fee Schedule.

(a) Fees relative to the administration of this ordinance are set forth herein, which may be amended from time-to-time by the Board of Aldermen.

(b) Except as may otherwise defined in this ordinance, the owner of the rental housing unit shall be responsible for payment of registration, safety inspections, Certificate of Compliance, utility costs, and any other fees or costs involved in the administration and enforcement of this ordinance. A registration fee shall include the initial safety inspection plus

one follow-up safety inspection, if needed, to determine whether the violations noted in the initial safety inspection have been corrected. Additional re-inspections necessitated for correction of violations or based upon complaints shall be assessed additional re-inspection fees set forth herein.

(c) **Fees.**

(1) Registration Fee: $20.00 for one or more rental housing units;

(2) Re-inspection Fees:

(a) First inspection is $10.00;
(b) Second inspection is free;
(c) Third inspection is $100.00; and
(d) Fourth inspection without compliance will result in a citation to appear in the Municipal Court of the City of Batesville, Mississippi.

Approved, Ordained and Adopted this the 2nd day of November, 2021.

HAL FERRELL, Mayor

ATTESTED:

Susan Berryhill

SUSAN S. BERRYHILL, City Clerk