

AN ORDINANCE ESTABLISHING GUIDELINES AND REGULATIONS FOR RENTAL PROPERTIES WITHIN THE TOWN LIMITS OF SARDIS, MISSISSIPPI

In order to better serve and protect the health, safety, welfare and well-being of the citizens of the Town of Sardis, Mississippi, the Mayor and Board of Aldermen do hereby adopt the above Ordinance under the following terms and conditions:

The purpose of this Rental Property Ordinance is to preserve and promote the public health, safety, and general welfare of the residents, and the public generally, within the Town of Sardis, and to provide an efficient system to ensure that residential rental property is properly maintained. The Town recognizes that the most efficient system to provide for inspections of residential rental property is the adoption and implementation of this regulation, creating a program requiring the registration and licensing of rental properties.

DEFINITIONS

- a. Apartment: A Dwelling Unit located in a Multiple-Household Dwelling for occupancy by one (1) Household, either rented or leased to the occupants.
- b. Town Building Official: The official designated by the Sardis Board of Aldermen to administer and enforce this Ordinance, and such representatives and/or agents as may be appointed by such official.
- c. Certificate of Compliance: A certificate issued pursuant to this Ordinance by the Town Building Official to ensure that a Dwelling Unit is in conformance with the provisions of this Ordinance.
- d. Condominium: An estate in real property consisting of an undivided interest in common of a portion of a parcel of real property, together with a separate interest in space in a residential building on such real property.
- e. Duplex: A detached residential building designed to be occupied by two (2) or more Households living independently of each other.
- f. Dwelling: A building, or portion thereof, which is designed and used for human habitation.
- g. Dwelling, Single-Household: A detached, residential building designed for occupancy by one (1) Household.

- ii. Dwelling, Multiple-Household: A building or group of buildings, or portion thereof, that is occupied by two (2) or more Households occupying each unit independently of each other. The term “Multiple-Household Dwelling” shall be deemed to include Duplexes, Townhouses and buildings containing Apartments or Condominiums. The provisions of this Ordinance shall apply both to specific Rental Units and the Owners of such Rental Units, as well as to the homeowners’ association or similar entity that owns, operates, manages, or maintains the Premises or Dwelling, or any portion thereof.
- i. Dwelling Unit: A room or group of rooms occupied or intended to be occupied as separate living quarters for one (1) Household.
- j. Household: One (1) person living alone, or two (2) or more persons living together as a single housekeeping unit, whether related to each other legally or not. The term “Household” shall be deemed to include domestic employees employed by such Household when such employees are on-premise residents. The term “Household” shall also be deemed to include groups occupying a Boarding House, Rooming House or similar Dwelling for group use that is not exempt under the provisions of this Ordinance.
- k. Owner: Any Person that individually, jointly, or severally with others: (1) has legal or equitable leasehold title to any Premises, Dwelling, Dwelling Unit, or Rental Unit, with or without accompanying actual possession thereof; or (2) has charge, care, or control of any Premises, Dwelling, Dwelling Unit, or Rental Unit as agent of the Owner or as receiver, executor, administrator, trustee, or guardian of the estate of the beneficial Owner.
- l. Person: An individual, firm, association, organization, partnership, trust, company, corporation, or other legal entity. The term “Person” shall be deemed to include any agent, assignee, receiver, executor, administrator, trustee, or guardian thereof.
- m. Premises: A lot, plot, or parcel of land upon which a Dwelling is located, including any other structures thereon.
- n. Rental License: A license issued pursuant to this Ordinance by the Town Building Official allowing a Person to own, operate, manage or maintain a Single-Household or Multiple-Household Dwelling located in the Town, when such Dwelling contains one (1) or more Rental Units.
- o. Rental Unit: A Dwelling Unit that is currently rented or leased to one (1) or more Tenants, at least one (1) of whom is not legally related to the Owner of such Dwelling Unit.
- p. Rooming House: A building where lodging only is provided for compensation to two (2) or more persons.

- q. Same Ownership: Ownership by the same individual, firm, association, organization, partnership, trust, company, corporation, or other legal entity; or ownership by different individuals, firms, associations, organizations, partnerships, trusts, companies, corporations, or other legal entities; in which an associate, member, partner, trustee, or shareholder or a member of his/her family, owns a legal or equitable interest in each firm, association, organization, partnership, trust, company, corporation, or other legal entity.
- r. Tenant: Any individual who occupies or has leasehold interest in a Rental Unit under a lease or rental agreement, whether oral or written, express or implied.
- s. Townhouse: A Multiple-Household Dwelling constructed as a series or group of attached Dwelling Units with property lines separating each unit.

APPLICABILITY

The regulations contained in this Ordinance shall apply to all residential rental properties within the Town of Sardis, except as otherwise provided herein.

RENTAL LICENSE

Rental License Required. It shall be unlawful for any person to lease, operate, manage, or maintain a Single-Household or Multiple-Household Dwelling located within the Town of Sardis, if such Dwelling contains one (1) or more Rental Units, without a current and valid Rental License having been issued for such Dwelling. Any Person leasing, operating, managing, or maintaining one or more than one (1) such Dwelling shall obtain a Rental License for each separate location. This license requirement also applies to Airbnbs with the Town of Sardis.

Application. A written application for a Rental License, signed by the Owner or his/her agent, shall be filed with the Town Building Official, upon a form provided by the Town Building Official for such purpose. The following information, at a minimum, shall be required in and with the application:

- i. The street address of the Dwelling.
- ii. The name, physical and mailing address and telephone number and, if available, facsimile number, and email address of each Owner within the Same Ownership.
- iii. The name, address, and telephone number, and, if available, facsimile number and email address of an agent who is designated to receive notices and service of process and is authorized to grant consent for the Town Building Inspector to inspect the Premises, Dwelling, Dwelling Units and Rental Units.
- iv. An application fee of \$10.00 per Dwelling Unit.

- v. The number and type (by bedroom) of Dwelling Units.
- vi. If the written application is signed by an agent on behalf of the Owner, written authorization must be provided documenting the agent's authority.

Duration. A Rental License shall be valid for a period of one (1) year from its issuance date. An application for renewal shall be filed within thirty (30) days prior to the expiration date.

Updates required. If, subsequent to the issuance of a Rental License, the Dwelling for which such Rental License was issued is modified with the effect of adding or removing Dwelling Units, such Rental License shall be updated within thirty (30) days after such modification to reflect the new number of Dwelling Units.

Display. A Rental License issued pursuant to this Ordinance for a Multiple-Household Dwelling shall be displayed in a conspicuous place at the rental unit, to which all Tenants have access.

Application to existing Rental Units. Persons owning, operating, managing, or maintaining a Single-Household or Multiple-Household Dwelling located within the Town, where such Dwelling contains one (1) or more Rental Units as of the Effective Date of this Regulation, shall apply for a Rental License no later than ninety (90) days after the Effective Date of this Regulation.

RENTAL LICENSE FEE

No Rental License shall be issued until all requirements of this Ordinance have been satisfied and payment made for such Rental License. The fee for a Rental License shall be \$10.00 per Dwelling Unit, per year, and is non-refundable. Should payment be made by check or other instrument that is not honored, the Rental License for which such payment was made shall become null and void without additional action by the Town. The fee shall be paid at the time the initial application is filed and at the time each renewal is filed. The fee for issuing a replacement or duplicate Rental License shall be \$15.00. When a Rental License is updated to reflect the addition of Dwelling Units to a Dwelling, an additional fee for such Dwelling Units shall be paid, pro-rated for the remaining term of such Rental License.

COMPLIANCE STANDARDS

Obligation to comply. The Owner of a Rental Unit in a Single-Household or Multiple-Household Dwelling located in the Town shall be responsible for complying with each of the following:

- i. The provisions of this Ordinance.
- ii. All other regulations and ordinances of the Town, however titled or designated.
- iii. Building codes of the Town in effect at the time building permits were issued for such Dwelling, including the building, electrical, plumbing, and mechanical codes, subject to adoption of retroactive regulations by the Town. 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 Town of Sardis and the International Residential Code;
 11. Absence of garbage and sanitation receptacles as required by municipal 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. Presence of mold or mildew;
 15. No upholstered furniture may be stored on porches.
- iv. State and federal housing laws and administrative regulations.
- v. Judicial and administrative decrees enforcing any of the provisions of this Ordinance or other regulations of the Town; and/or state and federal housing laws and administrative regulations.

INSPECTION AND CERTIFICATION

Certificate of Compliance required. It shall be unlawful for any Person to lease, operate, manage, or maintain a Rental Unit in a Single-Household or Multiple-Household Dwelling located within the Town of Sardis without a current and valid Certificate of Compliance having been issued for such Rental Unit. Any person leasing, operating, managing, or maintaining more than one (1) such Rental Unit shall obtain a Certificate of Compliance for each separate Rental Unit.

Owner consent to inspection. The Owner, as a condition to the issuance of the Rental License, shall consent and agree to permit and allow the Town Building Official to make the following inspections of the Premises, Dwelling, Dwelling Units, and Rental Units when and as needed to ensure compliance with the provisions of this Ordinance:

- i. Access to inspect all portions of the Premises and Dwelling, including common areas, storage areas, community buildings, equipment rooms, parking areas, and all other portion facilities.
- ii. Access to inspect all unoccupied Dwelling Units.
- iii. Access to inspect any Rental Unit when a complaint is filed by a Tenant of such Rental Unit or any Town department to the effect that such Rental Unit may be existing in violation of any provision of this Ordinance.
- iv. Access to inspect any Rental Unit upon termination of a lease or rental agreement, reletting of such Rental Unit, or transfer of title to the Dwelling or any part of the Dwelling containing such Rental Unit.

Inspections authorized. The Town Building Official is hereby authorized to make inspections of Premises, Dwellings, Dwelling Units, and Rental Units to determine the condition of such Premises, Dwellings, Dwelling Units, and Rental Units, in order that he/she may perform his/her duties of safeguarding the safety, health, and welfare of Tenants and of the general public.

- i. Right of entry. In order to make the inspections and repairs required and authorized by the provisions of this Ordinance, the Town Building Official is hereby authorized to enter, inspect, repair, alter, and improve all Premises, Dwellings, Dwelling Units, and Rental Units in accordance with the provisions of this Ordinance.
- ii. Owners, by reason of the terms of the Rental License accepted by Owner, shall be deemed to have voluntarily consented and authorized the Town Building Official to enter their Premises, Dwellings, Dwelling Units, and Rental Units at reasonable times for the purpose of effecting such inspection as is necessary to comply with the provisions of this Ordinance.
- iii. Tenants, by reason of the terms of the Rental License, and the terms of their leases or rental agreements, shall be deemed to have consented and to have authorized the Town Building Official to have access to their Rental Units at reasonable times for the purpose of effecting such inspection as is necessary to comply with the provisions of this Ordinance.
- iv. Should a Tenant or Owner refuse entry, the Town Building Official shall be authorized by virtue of the terms of the Rental License to secure a judicial warrant authorizing entry as authorized in this Ordinance.

Duration. A Certificate of Compliance shall expire upon the termination of the rental agreement or lease governing the Rental Unit for which such Certificate of Compliance was issued. Prior to reletting the unit, the Owner shall notify the Town of such intent to relet and obtain a new Certificate of Compliance. The Town Building Official shall have ten (10) days following such notification to complete such inspection.

Application to existing Rental Units. Persons owning, operating, managing, or maintaining a Rental Unit in a Single-Household or Multiple-Household Dwelling located in the Town as of the date this Regulation is adopted shall notify the Town of the existence of such Rental Unit no later than ninety (90) days after the Effective Date of this Regulation.

NOTICE AND ORDERS

Notice of inspection. The Town Building Official shall provide reasonable advance notice to the Owner or agent as to the date and time of inspection. If such notice indicates that one (1) or more Rental Units will be inspected, the Owner or agent shall provide a copy of such notice to each affected Tenant.

Notice of violation; order to comply. Whenever the Town Building Official determines that there has been a violation of the provisions of this Ordinance or has grounds to believe that a violation may have occurred based on a complaint filed by a Tenant or any Town department to that effect, he/she shall give fifteen (15) days' notice of such alleged violation and an order to comply to the Owner or agent. Such orders shall be in writing and include the following:

- i. A description of each offending Rental Unit, Dwelling Unit, and portion of the Dwelling and Premises sufficient for identification.
- ii. A statement of the reasons for which the notice is being issued.
- iii. Instructions allowing a reasonable time for completion of the repairs, alterations, or improvements required to bring each Rental Unit, Dwelling Unit, Dwelling, and Premises into compliance with the provisions of this Orders.

TRANSFER OF OWNERSHIP

Notification to Town; new Owner's obligations. If an Owner transfers title or otherwise conveys his/her interest in a Dwelling for which a Rental License is currently issued, the new Owner shall notify the Town within thirty (30) days after such sale or conveyance and provide the Town with all information required of the original Owner on the application for such Rental License. The new Owner shall also designate a new registered agent to receive notices and service of process and to grant consent for the Town to inspect the Premises, Dwelling, Dwelling Units, and Rental Units.

Disclosure of violations and uncured orders. It shall be unlawful for the Owner of any Dwelling who has received a notice of violation and order to comply pertaining to such Dwelling, which violation remains uncured, to transfer title to or otherwise convey his/her interest in such Dwelling unless he/she has furnished the vendee or grantee a copy of such notice and order to

comply and has given the Town Building Official a notarized statement from the vendee or grantee acknowledging the receipt of the same and accepting legal responsibility for curing the violation(s).

SUSPENSION OF RENTAL LICENSE AND COMPLIANCE CERTIFICATE

Cause. An Owner's Rental License for a Dwelling, and Certificate of Compliance for a Rental Unit shall be suspended if, having received written notice of a violation, the Owner fails to comply with the correction order(s) within the time set for correction by the Town Building Official and takes no appeal.

Effect of suspension. Notwithstanding any other provision of this Ordinance, it shall not be unlawful for any Person whose Rental License and/or Certificate of Compliance has been suspended to continue leasing, operating, managing, or maintaining any other Dwelling or Rental Unit. However, such Person shall not permit any new occupancies of vacant, or thereafter vacant Dwelling Units in such Dwelling, until such time as the Rental License and Certificate of Compliance are restored.

Disconnection of utilities. The Town Building Official may notify all public utility companies serving the Dwelling or Rental Unit that the Rental License and Certificate of Compliance have been suspended for violation of this Ordinance, and request that all public utility services be discontinued for such Dwelling or Rental Unit until notice of compliance is received. Any public utility company may refuse to connect any Dwelling or rental Unit until a Rental License or Certificate of Compliance is issued.

Restoration. A suspended Rental License and Certificate of Compliance shall be restored upon compliance with the correction order(s) and request for restoration by the Owner.

APPEALS

An Owner or Tenant who disagrees with a determination or order of the Town Building Official under this Ordinance, which determination or order concerns his/her Premises, Dwelling, Dwelling Unit, or Rental Unit, may appeal such determination or order to the Sardis Board of Aldermen. The appeal shall be filed within ten (10) days after notification of the decision or order is given to the aggrieved party. The appeal shall be in writing on a form provided by the Town for such purpose and shall state the reasons why the appellant disagrees with such determination or order.

EXEMPTIONS

The provisions of this Ordinance shall not apply to:

1. An Owner-occupied Dwelling Unit, where such Owner allows joint occupancy of the Dwelling Unit, unless the portion of such unit that is rented or leased to the Tenant constitutes a separate Dwelling Unit as evidenced by separate kitchen facilities.
2. Housing that is owned, operated, managed, or maintained by a government agency or authority.
3. Housing that is exempted from municipal regulation by state or federal law or administrative regulation.

VIOLATIONS

Any Person who violates any provision of this Ordinance may be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment not to exceed fifteen (15) days, or both the amount of the fine and the term of the imprisonment, within the maximum limit set by Section 51-9-127 of the Mississippi Code of 1972, as amended, to be determined by the court.

NO WARRANT BY TOWN

By adopting and undertaking to enforce this Ordinance, neither the Town, the Mayor, the Sardis Board of Aldermen, nor their agents or employees warrant or guarantee the safety, fitness, nor suitability of any Premises, Dwelling, Dwelling Unit, or Rental Unit located within the Town. Owners and Tenants should take whatever lawful steps they deem appropriate to protect their interests, property, health, safety, and welfare.

SEVERABILITY

Every section, subsection, or provision of this Ordinance is declared separable from every other section, subsection, or provision to the extent that if any section, subsection, or provision of this Ordinance shall be held invalid, such holding shall not invalidate any other section, subsection, or provision thereof.

ENFORCEMENT

Discontinuance of water service. The Town Building Official may notify the Owner and may post notice at the Rental Unit, Dwelling Unit, Dwelling or Premises that potable water service will be discontinued within no less than sixty (60) days from the date of the notification unless the violation of this regulation is corrected. In order to reinstate water service, the violation must be cured in accordance with the correction order(s) and the applicable re-connect fee paid, together with any past due water bills.

EFFECTIVE DATE

This ordinance shall be in full force and effect on the 30th day after passage. The Municipal Clerk shall cause the ordinance to be published in a local newspaper with a general circulation.

The above ordinance having been first reduced to writing and considered at a public meeting of the governing authorities of the Town of Sardis, Mississippi, on motion of Alderperson Mosely, seconded by Alderperson Burkes, and the roll being called, the same were adopted by the following vote:

Alderwoman Smith	voted <u>yes</u>
Alderman Price	voted <u>abstained</u>
Alderman Still	voted <u>abstained</u>
Alderman Burks	voted <u>yes</u>
Alderman Mosley	voted <u>yes</u>

APPROVED, this the 22nd day of February, 2024.


RICHARD MCCARTY, MAYOR


ANGELA EDWARDS, MUNICIPAL CLERK