

AN ORDINANCE TO PROTECT AND SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY REGULATING AND CONTROLLING THE CONDITION OF RENTAL UNITS WITHIN THE CITY OF CLEVELAND, MISSISSIPPI; TO ESTABLISH REGULATIONS TO ESTABLISH INSPECTIONS; TO ESTABLISH STANDARDS FOR RENTAL PROPERTY MAINTENANCE; TO PROVIDE SANCTIONS FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, it is necessary to provide for the inspection of rental units within the City of Cleveland, Mississippi to ensure that all existing rental structures and future rental structures shall meet minimum requirements and standards for occupancy to provide for the safe and sanitary maintenance of said properties, all to promote the health, safety, morals, or the general welfare of the community, as provided by law, including but not limited to §§ 17-1-1 et seq, of the Mississippi Code of 1972; now, therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLEVELAND, MISSISSIPPI, as follows:

SECTION I – TITLE

This Ordinance shall be known and cited as The City of Cleveland, Mississippi Rental Registration and Inspection Ordinance.

SECTION II – PURPOSE

The purpose of this ordinance is to provide for the inspection of rental units within the City of Cleveland, Mississippi to ensure that all existing rental structures and future rental structures shall meet minimum requirements and standards for occupancy to provide for the safe and sanitary maintenance of said properties.

SECTION III – DEFINITIONS

The following words and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Additional inspection shall mean all inspections after the second inspection of a rental dwelling during the process of obtaining a certificate.

Agent shall mean agent, manager, or other individual or entity representing the owner of a rental dwelling or unit, and who may serve as a point of contact on rental inspections under this ordinance.

Broken inspection appointment shall mean failure of the owner or agent to notify the City of Cleveland Code Compliance Department at least one (1) working day in advance that the owner or agent will be unable to keep a scheduled inspection appointment.

Certificate shall mean rental occupancy certificate or provisional rental occupancy certificate.

City shall mean the office of the Building Official, or such other office or individual as may be designated by the City of Cleveland to administer all or any part of the inspection program under this section.

Property Maintenance Code shall mean the International Property Maintenance Code, as adopted by the Mayor and Board of Aldermen of the City of Cleveland, and enforced by the City of Cleveland pursuant to local Ordinances. All definitions contained in the Property Maintenance Code shall be applicable to this Ordinance.

Follow-up inspection shall mean the second inspection of a rental dwelling during the process of obtaining a certificate.

Immediate family shall mean spouses, children, stepchildren, brothers and sisters, half brothers and half sisters, parents and stepparents, grandparents, and grandchildren.

Initial inspection shall mean the first inspection of a rental dwelling during the process of obtaining a certificate.

Owner shall mean a person or other entity who/which owns the physical premises occupied by the rental unit.

Provisional rental occupancy certificate shall mean a rental occupancy certificate indicating that the rental dwelling or unit identified thereon is substantially but not entirely in compliance with the Property Maintenance Code and there are no imminent life, health, or safety threatening violations. The provisional rental occupancy certificate shall identify any violations that must be corrected, and state the date on which the provisional occupancy certificate shall expire if said violations are not corrected.

Rental dwelling shall mean any dwelling which is in whole or in part occupied by person(s) pursuant to an oral or written agreement for monetary or in-kind compensation but who are not acquiring an ownership interest in the house. These shall include single-family dwellings, two-family dwellings, multi-family dwellings, or other rooming or boarding houses, and shall include the following as defined in “SECTION 201 – DEFINITIONS” of the Official Zoning Ordinance of The City of Cleveland, Mississippi, heretofore adopted on November 4, 1969, as amended by Section Two of that ordinance entitled **“AN ORDINANCE AMENDING THE "OFFICIAL ZONING ORDINANCE OF THE CITY OF CLEVELAND, MISSISSIPPI" TO DEFINE ROOMING HOUSE AND ROOMING UNIT AND TO PROVIDE PARKING REQUIREMENTS FOR RESIDENTIALLY ZONED DISTRICTS” on May 3, 2005, to-wit:**

“ROOMING HOUSE. – Any dwelling, or part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator, and where the occupants share common bathroom, cooking and eating facilities” and also,

“ROOMING UNIT – Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.”

Tenant shall mean any person, other than a legal or equitable titleholder or immediate family member, occupying or possessing a dwelling or part thereof.

SECTION IV – REGISTRATION

A. A newly constructed or converted rental dwelling or unit shall be registered with the City of Cleveland and a rental occupancy certificate obtained before that rental dwelling or unit is occupied. There will be no cost to register and obtain an occupancy certificate for any rental dwelling or unit. Every owner of a rental dwelling or rental unit shall register these units with the City of Cleveland prior to July 1, 2006, and thereafter, within ten (10) business days after the date of acquiring control of a previously registered rental unit.

B. To register a rental dwelling or rental unit the owner shall:

Truthfully provide the following information on a form provided by the City:

- a) Name, address, and telephone number of the owner and the same information for any agent, lessor, or other person representing the property owner and registering the rental dwelling.
- b) The street address of the rental dwelling or rental unit along with other identification if more than one (1) rental dwelling has the same street address.
- c) The number of rental units in the rental dwelling.
- d) The number of bedrooms in each rental unit in the rental dwelling.
- e) Hours that the owner or agent are usually available to admit and accompany City inspectors on an occupancy inspection.
- f) Such other information as is reasonably required by the City.

C. Each owner shall be required to notify the City of Cleveland within thirty (30) days in the event of a change in the information required on the registration form.

SECTION V – RENTAL OCCUPANCY CERTIFICATE

A. No rental dwelling or rental unit shall be occupied that does not have a valid rental occupancy certificate or provisional rental occupancy certificate, except as described in subsection B.

B. A certificate shall not be required of rental dwellings existing as of the effective date of this Ordinance which have timely registered but have not yet received an initial inspection. This subsection shall cease to be effective as of July 1, 2006, at which time all rental dwellings must have a valid certificate. This subsection is intended to allow a “phase-in” period for initial inspections under this section.

- C. The owner or agent shall, upon request by any tenant or prospective tenant, allow the inspection of the certificate by the tenant or prospective tenant.
- D. A valid certificate shall be transferable when the owner of a rental dwelling changes. The new owner is still required to re-register the rental dwelling under Section IV of this Ordinance.
- E. A rental occupancy permit shall expire one (1) year from the date of its issuance.

SECTION VI – INSPECTIONS

- A. Before issuing a provisional rental occupancy certificate or rental occupancy certificate the City shall inspect the rental unit.
- B. The City shall schedule inspections of all rental dwellings for the purpose of determining compliance with the Property Maintenance Code and other City ordinances, codes, and regulations. The City shall contact the owner or agent of each property to arrange an inspection at a mutually convenient time during regular City business hours, but not more than thirty (30) days from the date of the first notification to the owner or agent that an inspection is desired. In the case of a property with a valid rental occupancy certificate, the owner or agent will be contacted in a timely fashion such that an inspection will take place before the expiration of the current rental occupancy certificate.
- C. After completion of an inspection for the rental dwelling(s), if the rental dwelling(s) is not in compliance with the Property Maintenance Code of this Ordinance, the applicant shall be furnished with a written list of specific violations that shall be corrected before a rental occupancy certificate may be issued if the rental dwelling or unit identified thereon is substantially but not entirely in compliance with the Property Maintenance Code and other City ordinance, codes and regulations and there are no imminent life, health, or safety threatening violations.
- D. Nothing under this section shall restrict the City from scheduling additional inspections such as when a complaint is filed or the City otherwise has reasonable suspicion to believe the dwelling is in violation of the Property Maintenance Code, or from revoking a rental occupancy certificate in the event that such an inspection reveals such violation.
- E. A property owner may request a rental inspection prior to the expiration of the current occupancy certificate.
- F. The inspections herein provided may be made by the Building Inspector, the Codes Enforcement Officer, Building Official, or such other person designated by the City to make inspections and enforce the zoning, subdivision development and building and safety codes regulations, or personnel within the department or division under the authority and direction of such Official or Inspector, regardless of the title of such person.

SECTION VII – APPEALS

Appeals of administrative actions taken with respect to the issuance of any permits hereunder may be made to City Planning Commission.

SECTION VIII – VIOLATIONS, SANCTIONS AND PENALTIES

Any person, firm, or corporation violating any of the terms, conditions, or provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Any agent, architect, builder, contractor, individual person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be deemed guilty of a separate offense and upon conviction shall be fined as herein provided.

The inspector may issue a citation for any such violation as provided in the uniform citations provisions of the ordinances of this City. Further, the inspector may issue a “stop work order” and continuance of the prohibited act by the violator shall constitute a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Building Inspector, in addition to other remedies, may institute any appropriate action or proceedings in the name of the City of Cleveland, Mississippi, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

SECTION IX – ADMINISTRATIVE LIABILITY

No City of Cleveland officer, agent, appointee, contractor, employee, or member of the City Board, shall be personally liable for any damage that may accrue to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

SECTION X – SEVERABILITY

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION XI – REPEAL

All ordinances, parts of ordinances, or amendments thereto, any of which are in conflict with the provisions of this Ordinance, are hereby repealed in their entirety to the extent of such conflict.

SECTION XII – WHEN EFFECTIVE

This ordinance shall be published and shall become effective and be in force one month from and after its passage as provided bylaw.

ORDAINED, ADOPTED, and APPROVED this 21st day of February, 2006.

DAVID WORK, Mayor

(SEAL)

Attest:

WENDY McCLAIN, City Clerk

It is hereby certified that the foregoing ordinance was offered and introduced in writing and its adoption was duly moved by Alderman and seconded by Alderman , and the vote was taken on final passage by both "Yeas" and "Nays" as follows:

Alderman Gary Gainspoletti voted "Yea."
Alderman Maurice Smith voted "Yea."
Alderman Norman Burke, Jr. voted "Yea."
Alderman Billy Nowell voted "Yea."
Alderman Willard R. Samuels voted "Yea."
Alderman J. Paul Janoush voted "Yea."
Alderman Theodore R. "Ted" Campbell "Yea."

WHEREUPON, the Mayor declared said ordinance duly, legally, and unanimously adopted, and he signed the same in open session at this meeting on this 21st day of February, 2006.

DAVID WORK, Mayor

(SEAL)

Attest:

WENDY McCLAIN, City Clerk