

**AN ORDINANCE TO REGULATE THE STANDARDS
OF RENTAL HOUSING UNITS**

**WITHIN THE CITY OF BYRAM, MISSISSIPPI;
ESTABLISHING BASIC STANDARDS FOR SUCH RENTAL HOUSING;
PROVIDING REGISTRATION REQUIREMENTS AND
SETTING STANDARDS THEREFORE;
SETTING ADMINISTRATIVE AND ENFORCEMENT REGULATIONS'
INCLUDING PENALTIES; AND FOR RELATED PURPOSES.**

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF BYRAM, MISSISSIPPI:**

**RENTAL HOUSING CODE
ARTICLE I
GENERAL REGULATIONS**

Section 100 Scope

This code shall apply to all rental housing units located within the City of Byram, Mississippi, including manufactured homes, single family homes and multifamily units. The intent of this code is to establish base standards for rental housing in Byram 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 Director of Public Works for the City of Byram is hereby designated as the Administrator of this article and may delegate duties of this Code to the building inspectors, code enforcement officers and other employees of the City of Byram.

Section 102 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 Byram unless such person or entity has registered the property.

Section 103 Registration Fee

The annual registration fee shall be twenty-five dollars (\$25.00) per dwelling unit payable upon application for registration. A late penalty fee will be assessed in the amount of \$10 per unit multiplied by the number of months the registration is past due. Failure to register a dwelling unit within ninety (90) days of expiration of annual registration will constitute a violation of this Ordinance which may be enforced via proceedings in the Byram Municipal Court. Each person or entity who operates an office within the City of Byram must also obtain a Privilege License as required by the City of Byram for operation of a business pursuant to State Statute 27-17-9.

Section 104 Annual Registration Application

(a) Annual Registration Application for an annual rental housing registration shall be filed with and issued by the Public Works Department. The application shall be in writing, signed by the property owner, agent or designee and shall include the following:

- 1) The name and address of the applicant;

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- 2) Proof of ownership must be provided if the information provided differs from Hinds County records;
- 3) The location and parcel number of the property on which the rental housing unit is located;
- 4) For new construction, a complete site plan of the complex showing it is in conformity with the requirements included within this Rental Housing Code;
- 5) For new construction, plans and specifications of all buildings, improvements and facilities to be constructed within the rental housing complex or on the same property as the rental housing unit.
- 6) Sewer Utility within the City of Byram must be in the property owner name and paid by the owner.
- 7) Such other information as may be requested by the Public Works Department to enable it to determine if the proposed rental housing unit or complex will comply with all codes and ordinances adopted by the City of Byram.

(b) *Inspection Required* Before any registration is issued by the Public Works Department the applicant must authorize the Administrator or designee to inspect the rental housing unit or complex for which an application for registration has been made. The Administrator or designee may inspect only a portion of the rental units within a rental housing complex if the Administrator or designee determines an inspection of 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. All utilities must be turned on at the time of the inspection in order to inspect all systems, appliances and equipment.

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

(d) *Registration Transfer* Upon application in writing for transfer of a registration accompanied by an application with the transferee's information and payment of the transfer fee, the Public Works Department shall issue a transfer if the application is found to be in compliance with this chapter. A fee of \$25.00 will be charged for transfer of any property or properties. Failure to register a dwelling unit within ninety (90) days of transfer of ownership will constitute a violation of this Ordinance which may be enforced via proceedings in the Byram Municipal Court.

(e) *Certificate of Occupancy Requirements* A Certificate of Occupancy shall be required as a condition of providing new utility service to any rental property or as a condition of transferring service to a new owner, new renter or billing name. A Certificate of Occupancy is required prior to any tenant taking possession of a rental unit.

EXCEPTION: Units that have a valid permit (as defined by City of Byram Zoning Ordinance or adopted building codes) pulled for repair, renovations or additions may be granted a Temporary Certificate of Occupancy. Temporary Certificates of Occupancy will only be issued after approval of scope of work, reasonable time schedule for completion and in the opinion of the Building Official unit can be occupied safely.

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Section 105 Revocation of Certificate of Occupancy

The Public Works Department may revoke any Certificate of Occupancy if the owner or agent has failed to comply with any provisions of this ordinance. The Certificate of Occupancy may be reissued if the circumstances leading to the failure to comply have been remedied and the rental housing unit or complex is being maintained and operated in full compliance with the law. All owners and agents subjected to inspection under this section will be provided ten (10) days written notice of such inspection.

- 1) All owners and agents subjected to inspection under this Section will be provided ten (10) days written notice of such inspection.

Section 106 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 otherwise:

- 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) **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 appointed by such City Official.
- 5) **Certificate of Occupancy:** A certificate issued pursuant to this ordinance by the Building Official to ensure that a Dwelling Unit is in compliance with the provisions of this ordinance. Certificates of Occupancies are valid for twenty-four (24) months.
- 6) **Change of Occupancy:** When a rental unit is vacated and is occupied by a new tenant.
- 7) **City:** The City of Byram, 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 and accessory use areas.
- 10) **Failure to Comply:** Means a failure, refusal, or neglect to obey an official order or comply with any adopted ordinance of the City of Byram.
- 11) **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.

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**ARTICLE II
RENTAL HOUSING STANDARDS**

Section 200 General

All residential property for rent or lease in the City of Byram shall comply with this section.

Section 201 Adopted International Codes

Every rental unit shall comply with all codes adopted by the City under the City's "Ordinance to Adopt Various International Codes and Appendices Relating to Inspection Activities of the City of Byram, Hinds County, Mississippi, and Enforcement of Building Provisions as Provided in Said Codes" (adopted Jan. 22, 2015) in effect at time of inspection.

Section 202 Additional Provisions

- a) General Provision. Every rental housing unit shall have a kitchen or kitchen area with suitable space and equipment to store, prepare and serve food in a sanitary manner. Adequate facilities for the disposal of food waste and refuse shall also be provided.
- b) Oven and Range or Stove. Every kitchen or kitchen area shall be equipped with a cooking oven and range or a stove properly connected and in sound condition. If the oven and range or stove is provided by the tenant per the rental agreement, the owner, agent or manager is exempt from the provisions of this section.
- c) Refrigerator. Every kitchen or kitchen area shall be equipped with a refrigerator properly connected and in sound condition. Refrigerators shall be capable of maintaining a temperature between forty degrees (40°) and forty-five degrees (45°) Fahrenheit. Refrigerators shall have some capacity for storing frozen food. If the refrigerator is provided by the tenant per the rental agreement, the owner, agent or manager is exempt from the provisions of this section.
- d) Sanitary Surfaces; Preparation and Storage Areas. Countertops, food preparation surfaces, food storage pantries and cupboards shall be easily cleanable and free from holes, breaks or cracks that can leak, or may injure a person or may permit the harborage of insects and dampness that may promote the growth of bacteria.
- e) Floor Coverings; Tripping Hazards. Floor coverings that are torn or loose and located on a stairway or within three (3) feet of a stairway shall be removed or repaired to prevent tripping. Tears in excess of six (6) inches and tears or projections rising one-quarter inch or more above the floor surface in any location present a tripping hazard and shall be repaired.
- f) Floor Coverings; Deteriorated, Unsafe, Unsanitary. Floor coverings such as carpeting, tile, linoleum and similar materials shall be repaired or replaced when the floor covering is severely deteriorated or when the condition of the floor covering creates an unsafe or unsanitary environment.
- g) Sewer Utility with the City of Byram must be in the property owner name and paid by the owner.

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- h) Landscaping. Every rental housing unit shall have landscaping in all yard areas which are visible from a public street, alley or sidewalk or a neighboring property. Such landscaping shall be installed and maintained so as to enhance the appearance and value of the property on which it is located and shall not present a deteriorated or slum-like appearance.
- i) Exterior Areas; Tripping Hazards. Every common area, sidewalk, driveway, parking lot and parking area of rental housing units shall be free from holes, depressions or projections that may cause tripping or may injure a person or otherwise present a hazard, including damage to a vehicle.

**ARTICLE III
ADMINISTRATION AND ENFORCEMENT**

Section 300 Commencement of Action

- a) The Public Works Department is assigned the primary responsibility of enforcing this chapter and is granted the authority expressly and impliedly needed and necessary for enforcement.
- b) Nothing in this section shall preclude employees of the Public Works Department from seeking voluntary compliance with the provisions of this chapter or from enforcing this chapter, 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 Public Works Department is authorized to recommend reasonable and necessary rules and regulations to carry out the provisions of this article which shall be approved by resolution of the Mayor and Board of Aldermen.
- d) Any person who shall knowingly and willfully violate the terms, conditions or provisions of this ordinance, for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine not to exceed one thousand dollars (\$1,000.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense. The Police Department of City of Byram is hereby empowered to act on behalf of the Director of Public Works if necessary to issue a citation to violators who fail to respond within the warning time provided.

Re-inspection fees will be as follows:

3rd inspection \$100.00

4th inspection \$200.00

5th inspection \$400.00

6th inspection without compliance - Citation to court

Section 301 Transfer of Property after Notice

- a) Written Assumption of Responsibility. The transfer of any or all property interest in any manner, including but not limited to, the sale, trade, lease, gift or assignment of any real property against which a citation has been issued or allegations of violations have been filed with the court shall not relieve any party subject to this Ordinance from compliance with any

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provision of this Ordinance unless the legal entity assuming interest in such property, in writing, assumes responsibility for compliance with the notice to comply or alleged violations and a copy of such writing is presented to the City.

- b) **Criminal Violation.** Any legal entity, real or statutory, who transfers the ownership interest in real property, against which a citation has been issued or allegations of violations have been filed with the court, shall be guilty of a misdemeanor unless they have obtained a written acceptance of responsibility for compliance with the citation or court action from the new owner.

Section 302 Vacation of Tenants; Re-occupancy.

- a) **Comply Even if Vacated.** An owner, agent or manager served with a citation or enforcement proceeding for violations of Article II of this Chapter 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 until such unit has been inspected and a new Certificate of Occupancy has been issued or against 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 a new Certificate of Occupancy has been issued. The Director of Public Works or Building Official may choose to forego the inspection of the units which historically have complied with all applicable codes and ordinances.

EXCEPTION: Inspection will not be required for units that have passed inspections within the last twenty-four (24) months.

Section 303

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 which was adopted by the City under the City's "Ordinance to Adopt Various International Codes and Appendices Relating to Inspection Activities of the City of Byram, Hinds County, Mississippi, and Enforcement of Building Provisions as Provided in Said Codes" (adopted Jan. 22, 2015), and which was existing on the effective date of this code, those international codes adopted by the City under said Ordinance shall control.

Section 304

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged 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 305

This ordinance shall become effective following publication and thirty (30) days after passage. The City Clerk shall cause the ordinance to be published in a local newspaper with general circulation.

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MOTION made to adopt the foregoing Ordinance was made by Alderman Marble and SECONDED by Alderman Smith and the foregoing having first been reduced to writing, was submitted to a Roll Call Vote, the result was as follows:

Alderman Moser voted:	Aye
Alderman Hosey voted:	Aye
Alderman Marble voted:	Aye
Alderman Mack voted:	Aye
Alderman Smith voted:	Aye
Alderman Ford voted:	Aye
Alderman Cook voted:	Aye

Whereupon, the Mayor declared the Ordinance carried and the Ordinance adopted.

SO ORDAINED, ADOPTED, AND APPROVED by the Mayor and Board of Aldermen of the City of Byram, Hinds County, Mississippi at its regular meeting held on the 13th day of April, 2017.

CITY OF BYRAM, MISSISSIPPI

Signed/By: RICHARD WHITE, MAYOR

ATTEST:

Signed/By: ANGELA RICHBURG, CITY CLERK

[SEAL]

I, Angela Richburg, City Clerk and official custodian of the records of The Mayor and Board of Aldermen of the City of BYRAM, do hereby certify that the foregoing Ordinance was passed and adopted at a regular meeting of said Board and is further a matter of record in Minute Book No. _____, at Page No. _____.

CITY CLERK