

AN ORDINANCE OF THE CITY OF PEARL, MISSISSIPPI, AMENDING
THE CODE OF ORDINANCES OF THE CITY OF PEARL, BY
AMENDING CHAPTER 12, TO ADOPTED AND ADD ARTICLE II, RENTAL HOUSING
CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR
THE IMPOSITION OF CIVIL AND CRIMINAL PENALTIES AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of the City of Pearl and its citizens and inhabitants, and consistent with sound management of the affairs of the City of Pearl that Article II of Chapter 12 of the Code of Ordinances be adopted, enacted and enforced as set forth herein;

WHEREAS, the Governing Authorities find that the adoption, enactment and enforcement of Article II of Chapter 12 of the Code of Ordinances is necessary to protect health, safety and morals and to promote the welfare of the residents and inhabitants of the City of Pearl, Mississippi;

WHEREAS, the Governing Authorities find that it is necessary, and good cause exist, to amend and modify the referenced Chapter as set forth herein;

WHEREAS, the housing stock of the City is aging and that it is the experience of the City's Code enforcement officers and the City's Environmental Court personnel that rental property within the City is often the subject of enforcement actions, involving issues of health, safety, appearance and other factors which adversely and significantly impact the protect health, safety, property values, morals and welfare of the residents and inhabitants of the City of Pearl, Mississippi;

WHEREAS, the proposed amendments to the Code of Ordinances should provide a system of inspections and required maintenance which will address these issues prior to the condition of such properties having an adverse impact upon the protect health, safety, property values, morals and welfare of the residents and inhabitants of the City of Pearl, Mississippi;

WHEREAS, the Mayor and Board of Aldermen having received the proposed ordinance in pamphlet form and directed that a public hearing be conducted to consider the amended of the referenced Chapter of Ordinance of the City of Pearl, Mississippi;

Said hearing to be held at the meeting of the Mayor and Board on Tuesday, June 27, 2013, at 5:00 p.m.; and,

WHEREAS, notice of the said hearing was published in the Rankin County News, a newspaper having general circulation in the City of Pearl, at least fifteen (15) days prior to the scheduled hearing; and,

WHEREAS, said Public Hearing was held at the meeting of the Mayor and Board on Tuesday, June 27, 2013, at 6:00 p.m.; and,

WHEREAS, all other requirements of the Code of Ordinances of the City of Pearl, Mississippi have been met or, are hereby waived, by the City; and,

WHEREAS, having considered proposed amendments, their individual knowledge of the City, the evidence presented at the said public hearing, the Mayor and Board of Aldermen find that there has been proved, (to the extent required, if at all required) by clear and convincing evidence that the subject amendments are necessary; and that there is a public need for the above referenced changes; and that adoption of the proposed amendments are justified and required by the public necessity, public convenience, public interest, general welfare and good practice for regulating housing within the City of Pearl, Mississippi.

WHEREAS this Ordinance being reduced to writing and being considered by the Mayor and Board upon proper motion and second and the vote being as follows:

JOHN MCHENRY, ALDERMAN	_____	aye	_____	nay
GAVIN GILL, ALDERMAN	_____	aye	_____	nay
TODD JENKINS, ALDERMAN	_____	aye	_____	nay
BECKY TULLOS, ALDERMAN	_____	aye	_____	nay
TOMMIE HILL, ALDERMAN	_____	aye	_____	nay
MICHAEL SARTOR, ALDERMAN	_____	aye	_____	nay
TERRY ISHEE, ALDERMAN	_____	aye	_____	nay; and,

WHEREAS the subject proposed order/ordinance received the required number of positive votes.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PEARL, MISSISSIPPI, THAT:

SECTION 1. The Governing Authorities of the City of Pearl, Mississippi adopt as their findings those matters set forth in the foregoing unnumbered paragraphs.

SECTION 2. That the Code of Ordinances of the City of Pearl, Mississippi be and the same is hereby amended by amending Chapter 12, to add Article II, Rental Housing Code, to read as follows:

ARTICLE II. RENTAL HOUSING CODE

DIVISION 1. GENERALLY

Sec. 12-200. Scope.

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

Sec. 12-201. Designation of Administrator.

The Director of the Department of Community Development for the City of Pearl 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 Development Services Department or other employees of the City of Pearl.

Sec. 12-202. 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 Pearl unless such person or entity has registered the property.

Sec. 12-203. 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. A penalty of \$350 will be assessed for failure to register a dwelling unit. Each person or entity who operates an office within the City of Pearl must also obtain a Privilege License as required by the City of Pearl for operation of a business pursuant to State Statute 27-17-9. The fees and penalties provided for in this Section shall automatically increase 3% on October 1st of each year beginning on October 1, 2014, and continuing each year thereafter.

Sec. 12-204. Annual Registration Application.

(a) Annual Registration. Application for an annual rental housing registration shall be filed with and issued by the Department of Development Services. 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;
- (2) Proof of ownership must be provided if the information provided differs from the online data basis published by the Tax Assessor for Rankin 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) Such other information as may be requested by the Department of Community Development 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 Pearl.

(b) Inspection Required.

Before any registration is issued or re-issued by the Department of Community Development, 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. In addition, Every landlord who retains all utilities in his/her name is required to have all rental units inspected every six months and 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.

The fee for an initial registration inspection under this code shall be \$75.00 and for any follow-up inspections due to failure or non-appearance at a previous inspection will be as follows:

2nd inspection \$100.00
3rd inspection \$200.00
4th inspection & up \$400.00

The fees provided for in this Section shall automatically increase 3% on October 1st of each year beginning on October 1, 2014, and continuing each year thereafter.

(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 Department of Community Development shall issue a certificate renewing such registration for another year. The Department of Community Development Services 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 Department of Community

Development 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. The Department of Community Development Services may, in its discretion, inspect the rental housing unit or complex for which transfer application is being made before a transfer is issued. The fees provided for in this Section shall automatically increase 3% on October 1st of each year beginning on October 1, 2014, and continuing each year thereafter.

(e) Certificate of Occupancy Requirements.

A Certificate of Occupancy issued by the Department of Community Development 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.

Sec. 12-205. Registration Revocation.

The Department of Community Development may revoke any registration to maintain and operate a rental housing unit or complex when the owner or agent has failed to comply with any provision of this ordinance. After such failure to comply the registration 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.

Sec. 12-206. 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) Architectural Pool: Means a constructed or excavated exterior area designed to contain a regular supply of water other than a swimming pool or a spa.

(5) Boarding House: A building other than a Hotel or Motel where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for two (2) or more persons (other than legally related family members) on a weekly or monthly basis.

(6) Building Official: The Director of Community Development or his designee.

(7) 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.

(8) Change of Occupancy: When a rental unit vacated and is occupied by a new tenant.

(9) City: The City of Pearl, Mississippi.

(10) Condominium: An estate in real property consisting of an undivided interest in common of a portion of real property, together with a separate interest in space in a residential building on such real property.

(11) Cooperative: A Multiple-Household owned and maintained by the residents. The entire structure and real property is under common ownership, as contrasted to a Condominium Dwelling where individual units are under separate individual occupant ownership.

(12) 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.

(13) Dwelling: Means an enclosed occupied or unoccupied space designed as or being used as living facilities, including single family and multifamily dwellings and accessory use areas.

(14) Exterior Opening: Means an open or closed window, door or passage between interior and exterior spaces.

(15) Failure to Comply: Means a failure, refusal, or neglect to obey an official order or comply with any adopted ordinance of the City of Pearl.

(16) Gang Boxes: Means a group of postal service mail boxes clustered together serving a residential area.

(17) Glazed: Means fitted with glass.

(18) 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.

(19) IPMC: Is the International Property Maintenance Code adopted by the City of Pearl.

(20) Impervious: Means incapable of being penetrated or affected by water or moisture.

(21) 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.

(22) Inoperable Vehicle or Junk Vehicle: Is a vehicle which is physically incapable of operation, stripped, substantially damaged, lacking of a current license plate and/or inspection sticker, discarded or unable to be safely and legally operated.

(23) 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.

(24) Lessee: A person or entity who receives the use and possession of leased property (e.g., real estate) from a lessor in exchange for a payment of funds. The person to whom a lease is made.

(25) Legal Entity: An association, cooperation, partnership, or individual that has legal standing in the eyes of the law.

(26) 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, design of a licensed contractor or manufacturer's recommendation.

(27) Manager: Means any person who has charge, care or control of a rental housing unit.

(28) Occupant: Means any person living in, sleeping in or possessing a rental housing unit.

(29) Owner: Means a person, persons or legal entity listed as the current titleholder of real property, as recorded in the official records of Rankin County, Mississippi.

(30) 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.

(31) Proof of Ownership: A title or deed to a piece of property signed by a notary public.

(32) 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.

(33) 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.

(34) Sound Condition: Means free from decay or defects and in good working condition.

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

(36) Storage: Means placing or leaving personal property in a location for the purpose of preservation, seasonal or future use or disposal. No upholstered furniture may be stored on porches.

(37) Vehicle: Is an automobile, truck, trailer, camper, recreational vehicle, boat or motorcycle.

(38) Control Person: If the owner of any property, premises, lot, house, building, structure or establishment, or the lessee, renter, holder or user thereof, is not a natural person then the responsibility for ensuring compliance with this Ordinance shall be borne by the natural person or natural persons in control of such entity ("Control Person") and it shall be a violation of this Ordinance for such Control Person(s) to fail to keep and maintain a covered property in compliance with this Ordinance.

Sec. 12-207. Authority to Inspect.

(a) Personnel. The Administrator or designee is authorized to make reasonable and necessary inspections of rental housing units and premises to determine compliance with this article.

(b) Access. Every owner, agent, manager or tenant 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 is authorized to obtain an inspection warrant. If complaint is made to the city of conditions in any rental unit which may be in violation of any applicable city code, the city is authorized to investigate such complaint without notice.

(c) Scope. An inspector 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 as determined by the inspector. Failure to comply with the order of the Inspector may result in the revocation of the existing Certificate of Occupancy. 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 and a new Certificate of Occupancy issued.

DIVISION 2. RENTAL HOUSING STANDARDS

Sec. 12-215. Sanitary Facilities.

(a) General Provision. Every rental housing unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The Lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. Sinks used for kitchen purposes and bathtubs are not acceptable substitutes for lavatory basins.

(b) Flush Toilet. Every rental housing unit shall contain a room that is equipped with a flush toilet in sound condition and properly connected to an approved water and sewage system. Every flush toilet shall have:

(1) An integral water-seal trap that eliminates the passage of sewage gases into the room; and

(2) Smooth, impervious, easily cleanable surfaces free from cracks or breaks and makeshift repairs that leak or may cause injury to someone and shall be equipped with seats and flush tank covers constructed of smooth impervious materials free of cracks or breaks that leak or may injure a person.

(c) Lavatory Basins. Every rental housing unit shall contain a fixed lavatory basin in sound condition and properly connected to an approved hot and cold water system and a sewage system. The basin shall be in the same room as the toilet or as near to that room as practicable. If a rental housing unit contains a flush toilet in more than one room, it shall also contain a fixed lavatory basin in each room with a flush toilet or as near to each room as is practicable. Lavatory basin surfaces shall be smooth, easily cleanable, impervious and free from cracks or breaks that leak or may injure a person. Sinks used for kitchen purposes and bathtubs are not acceptable substitutes for lavatory basins.

(d) Bath tub or Shower. Every rental housing unit shall contain a room that is equipped with a bathtub or shower in sound condition and properly connected to an approved hot and cold water system and a sewage system. Every bathtub shall have a smooth, impervious and easily cleanable inner surface, with a pitch sufficient to drain properly, free from makeshift repairs and free from cracks or breaks that leak or may injure to a person. Every shower compartment or cabinet shall have a base with a leak-proof receptor that is made of impervious materials with a pitch sufficient to drain properly. The interior walls shall be made of a smooth, impervious, easily cleanable material free from cracks or breaks that leak or may injure a person. Built-in bathtubs with overhead showers shall have waterproof joints between the tub and the adjacent walls and the walls shall be made of impervious material free from cracks or breaks that leak or may injure a person.

(e) Hot Water Service. Every rental housing unit shall have hot water service properly installed and maintained in sound condition capable of furnishing reasonable amounts of hot water with a minimum temperature of one hundred ten degrees (110°). Water heating units shall be equipped with a temperature and pressure relief valve and a discharge line in accordance with the Pearl Plumbing Code.

(f) Water-Seal Traps. Bathroom plumbing fixtures, except those having integral traps, shall be separately trapped by a water-seal trap that will eliminate the passage of sewage gases into the room. The water-seal trap shall be located as near the outlet as possible.

(g) Flow of Water. Bathroom plumbing fixtures shall have a reasonable flow of water and the minimum flow of hot or cold water issuing from a faucet or fixture shall be not less than one gallon per minute.

Sec. 12-216. Food Preparation Facilities.

(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) Kitchen Sink. Every kitchen or kitchen area shall contain a fixed kitchen sink in sound condition, functioning properly and properly connected to an approved hot and cold water system and a sewage system. Each kitchen sink shall be of seamless construction and impervious to water and grease. The interior surfaces shall be smooth with rounded internal angles and corners, easily cleanable and free from cracks or breaks that leak or may injure a person. Lavatory basins and bathtubs are not acceptable substitutes for required kitchen sinks.

(c) Water-Seal Traps. Kitchen plumbing fixtures shall be separately trapped by a water-seal trap that will eliminate the passage of sewage gases into the kitchen. The water-seal traps shall be located as near the outlet as possible.

(d) Flow of Water. Kitchen plumbing facilities shall have a reasonable flow of water and the minimum flow of hot or cold water issuing from a faucet or fixture shall be not less than one gallon per minute.

(e) 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.

(f) 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.

(g) 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.

(h) Storage of Garbage. No owner, agent or manager of any rental housing unit shall permit upon his premises the exterior accumulation of any garbage or refuse, except in covered portable containers of rust-resistant metal, rubber, plastic or similar material.

(i) Removal of Garbage. The owner, agent or manager of a rental housing unit shall provide for the removal of garbage and refuse by a properly licensed and authorized refuse hauler sufficient to maintain a clean and sanitary condition on the premises or shall require the tenant, lessee or occupant to provide such service from a properly licensed and authorized refuse hauler.

Sec. 12-217. Electrical Service and Lighting.

(a) General Provision. Every rental housing unit shall have electrical service and lighting properly installed and maintained in sound condition adequate to support the health and safety of occupants, permit the safe use of electrical appliances and permit normal indoor activities.

(b) Habitable Rooms; Outlets and Lights. Every habitable room shall contain at least two (2) electrical convenience outlets and either a permanently installed light fixture controlled by a wall switch or an additional electrical convenience outlet controlled by a wall switch. Ceiling or sidewall light fixtures controlled by a wall switch shall be required in all kitchens or kitchen areas. In addition to the above minimum requirements, every owner, agent and manager shall provide sufficient electrical outlets to service the appliances and fixtures furnished by the owner, agent or manager and located within the room.

(c) Other Rooms; Outlets and Lights. Every laundry room, bathroom and toilet compartment shall contain at least one permanently installed ceiling or sidewall light fixture controlled by a wall switch. In addition to the above minimum requirements, every owner, agent and manager shall provide sufficient electrical convenience outlets to service the appliances and fixtures furnished by the owner, agent or manager and located within the room. Every bathroom shall have a least one (1) permanently installed OFCI electrical convenience outlet.

(d) Ground-fault Circuit-interrupters. All electrical convenience outlets installed in bathrooms and within six (6) feet of a water source, which includes a lavatory or kitchen sink shall have ground-fault circuit-interrupter protection, provided it can be installed without additional wiring to the main electrical service panel. As used in this section, a bathroom is an area with a tub or shower, with or without a lavatory.

(e) Stairway and Hall Lights; Except Public. Every stairway and hall, except public or common stairways and halls, shall contain at least one ceiling or sidewall light fixture controlled by a wall switch except where light is available from a permanent source or an adjacent space. The switch or switches shall be located so as not to have to traverse darkened areas to access them.

(f) Stairway and Hall Lights; Public. Every public or common stairway, hallway, corridor or breezeway in or leading into multifamily dwellings shall be lighted, by natural or artificial means, at all times.

(g) Exterior Entrances; Multifamily. Every building serving four (4) or more rental housing units shall have the main building entrances lighted with specific lighting during nighttime hours. The entrances into individual rental housing units shall also be provided with specific lighting which shall be controlled either automatically or manually by a switch controlled by the tenant.

(h) Exterior Areas; Multifamily. Every common area, accessory use area, aisle, passageway, pedestrian walkway and sidewalk of buildings serving four (4) or more rental housing units shall be lighted with specific lighting during nighttime hours.

(i) Parking Lots; Multifamily. Common parking lots and covered and uncovered parking areas serving four (4) or more rental housing units shall be lighted with specific lighting during nighttime hours.

(j) Mailboxes; Multifamily. Postal service "gang boxes" in buildings serving four (4) or more rental housing units shall be lighted with specific lighting during nighttime hours.

(k) Installation and Maintenance. Every outlet, switch and fixture shall be properly installed and maintained in sound condition. No owner, agent or manager shall provide, install

or allow to be installed or used any frayed and exposed wiring; wiring unprotected by proper covering; fixtures in disrepair; tacked extension cording; or makeshift wiring, outlets or fixture repairs or which may injure a person.

Sec. 12-218. Thermal Environment.

(a) General Provision. Every rental housing unit shall contain safe heating equipment and system which are properly installed and maintained in sound condition and capable of providing adequate heating and cooling, appropriate for the climate, to assure a comfortable and healthy living environment.

(b) Heating Requirements. Every rental housing unit shall have heating, under the tenant's control, capable of safely heating all habitable rooms, bathrooms and flush toilet rooms located therein to a temperature of at least seventy degrees (70°) Fahrenheit at a distance three (3) feet above floor level in the center of the room. Required heating shall be provided by permanently installed heating facilities.

(c) Unvented Combustion Heaters; Prohibited. No owner, agent or manager shall provide, install or allow to be installed or used any unvented portable space heaters burning solid, liquid or gaseous fuels.

(d) Cooking Appliances as Heaters; Prohibited. No owner, agent or manager shall allow the use of any ovens, stoves or ranges, or other cooking appliances for the purpose of heating any portion of a dwelling.

Sec. 12-219. Doors; Windows; Ventilation.

(a) General Provision. Every rental housing unit shall have doors and windows which provide adequate natural light and ventilation to permit normal indoor activities and support the health and safety of the occupants while providing protection from the elements and privacy for the occupants.

(b) Habitable Rooms; Natural Light. Every habitable room within a rental housing unit shall have at least one exterior glazed opening, facing directly to the outside, to provide natural light. The total glazed area for each habitable room shall be not less than ten (10) square feet. Kitchens and kitchen areas shall not be required to meet the glazed exterior opening requirement.

(c) Habitable Rooms; Ventilation. Every habitable room within a rental housing unit shall have at least one openable exterior opening, vented directly to the outside air, to provide natural ventilation. The total area of openable venting for each habitable room shall be not less than five (5) square feet. Habitable rooms, except those used for sleeping, shall not be required to meet the openable exterior opening requirement if mechanical ventilation is provided. Kitchens and kitchen areas shall not be required to meet the openable exterior opening

requirement if mechanical ventilation is provided.

(d) Other Rooms; Ventilation. Every bathroom, flush toilet room and laundry room shall have at least one openable exterior opening, vented directly to the outside air, to provide natural ventilation. The total area of openable venting shall be not less than one and one-half (1 1/2) square feet. Bathrooms, flush toilet rooms and laundry rooms shall not be required to meet the openable exterior opening requirement if mechanical ventilation is provided.

(e) Screened Openings. Any rental housing unit which is cooled by mechanical cooling or other similar venting, shall have at least one openable exterior opening which is screened. All required screens shall be free from tears, holes or imperfections of the frame that may admit insects and other vermin detrimental to the health of the occupants. Any screens which are provided by the owner, agent or manager shall be maintained in sound condition and in good working order.

(f) Glazing. Glazed areas shall be soundly glazed and free from missing, loose, cracked or broken glass that may injure a person, allows the elements or vermin to enter the structure, allows air escape or infiltration, or otherwise diminishes the thermal efficiency of the structure.

(g) Windows. Windows shall be maintained in sound condition. Exterior windows shall fit the window openings and shall be properly sealed or weather-stripped in a manner that prevents the entrance of the elements or vermin or excessive air escape or infiltration. The fit of exterior windows shall not otherwise diminish the thermal efficiency of the structure.

(h) Exterior Doors. Exterior doors leading into rental housing units shall fit the door openings and shall also be weather-stripped in a manner that prevents the entrance of the elements or vermin or excessive air escape or infiltration. The fit of exterior doors shall not otherwise diminish the thermal efficiency of the structure. Exterior doors, door hardware and door frames shall be maintained in sound condition and capable of the use intended by their design. Any hollow core or solid core doors leading into rental housing units which are replaced after the effective date of this code, shall be replaced with solid core or metal wrapped doors that have a sound transmission rating at least equal to the rating of the door being replaced.

(i) Interior Doors. Interior doors, door hardware and door frames shall be maintained in sound condition free from holes, breaks or cracks and capable of the use intended by their design. They shall also be capable of affording privacy to the occupants.

Sec. 12-220. Space and Occupancy.

(a) General Provision. Every rental housing unit shall have sufficient access and space to allow for adequate living and sleeping conditions while providing for the occupant's health, safety, privacy and general welfare.

(b) Floor Area; Rental Housing Unit. Every rental housing unit shall have at least two hundred twenty (220) square feet of total room area and shall contain at least one common room having not less than one hundred twenty (120) square feet.

(c) Floor Area; Habitable Room. Every habitable room, except a kitchen, shall have not less than seventy (70) square feet of habitable room area and shall not be less than seven (7) feet in any dimension.

(d) Occupancy Load; Sleeping Room. Every rental housing unit shall contain at least one bedroom or living/sleeping room of appropriate size for each two (2) persons. Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of habitable room area and every room occupied for sleeping purposes by two (2) people shall contain at least fifty (50) square feet of habitable room area for each person.

(e) Occupancy Load; Rental Housing Unit. Every rental housing unit shall provide at least two hundred twenty (220) square feet of floor area for the first two (2) occupants and one hundred (100) square feet of floor area for each additional occupant. The floor area is to be calculated on the basis of total dwelling unit area.

(f) Bedroom Access. In any rental housing unit that has more than one bedroom, access to any bedroom shall not be through another bedroom or a bathroom.

(g) Bathroom Access. In any rental housing unit, the occupants of each bedroom must have access to a bathroom without going through another bedroom.

(h) Interior Access. In any rental housing unit, access to bedrooms and bathrooms shall be from within the unit.

Sec. 12-221. Additional Safety and Security Requirements.

(a) General Provision. Every rental housing unit shall have security devices which restrict unlawful entry, smoke detectors to provide fire safety and shall be maintained free from hazards to the health, safety or welfare of the occupants.

(b) Stairway; Tripping Hazard. Every inside and outside stairway shall be maintained in sound condition and free from any broken, rotted or missing steps or tripping hazards.

(c) Stairway; Handrail. Every inside and outside stairway which contains three (3) or more risers shall be provided with a handrail in sound condition securely fastened to a wall or balusters.

(d) Stairway; Guardrail and Enclosures. Every stairway which exceeds thirty (30) inches in height shall be protected by a guardrail and enclosure material in sound condition. The

openings in the enclosure material shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under.

(e) Balcony and Porch; Guardrail and Enclosures. Every balcony or porch higher than thirty (30) inches above the ground shall be protected by a guardrail and enclosure material in sound condition. The openings in the enclosure material shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under.

(f) Locking Devices; Exterior Doors. Exterior doors leading into rental housing units or tenant storage rooms, which are reasonably accessible, shall have a locking device properly installed and in sound condition capable of the use intended by its design. Specific requirements are as follows:

(1) Swinging exterior doors leading into rental housing units shall have thumb turn dead bolt locks with a minimum one inch throw; and

(2) Sliding doors shall be provided with a locking device or devices which prevent lifting or sliding of the locked door from the exterior of the unit.

(g) Door Viewers. Every principal entrance door shall be equipped with at least a one hundred sixty degree (160°) eye-viewer. Principal entrance doors which contain a window or have an adjacent window which allows a view of the area directly in front of the door, shall not require an eye-viewer.

(h) Locking devices; Windows. Every openable window reasonably accessible from the outside shall have a locking device or devices properly installed and in sound condition capable of the use intended by its design. Such devices shall prevent opening, lifting or sliding of the locked window from the exterior of the unit.

(i) Smoke Detectors. Smoke detectors shall be installed in all existing rental housing units. The installation of smoke detectors shall at least meet the requirements specified in the International Property Maintenance Code (IPMC). The owner shall be responsible for the installation, replacing the battery annually (if battery operated) and maintaining appropriate records of required smoke detectors. Upon termination of a tenancy in any rental housing unit, the owner, owner's agent or manager shall insure that any required smoke detectors are operational prior to re-occupancy of the unit.

Sec. 12-222. Maintenance.

(a) General Provision. Every rental housing unit interior and exterior shall be maintained in a condition which provides the occupants with protection from the elements, a safe and healthy living environment and housing free from deterioration, unsightly or slum-like conditions.

(b) Interior; Holes, Cracks or Breaks. Every floor, interior wall and ceiling, cabinet and all appurtenances thereto shall be kept in sound condition and free of holes, cracks or breaks that may injure a person, admit or harbor insects or rodents, admit dampness or restrict privacy. Every hole cut in floors, walls or ceilings for the passage of plumbing fixtures or pipes shall be sealed to prevent the passage of insects, rodents or vermin.

(c) Interior; Paint and Plaster. Every floor, interior wall and ceiling, cabinet and all appurtenances thereto shall be kept free of any loose, cracked, scaling, chipping or peeling paint or plaster. All interior painted surfaces shall be painted with paint which is lead free.

(d) 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 (V) inch or more above the floor surface in any location present a tripping hazard and shall be repaired.

(e) 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.

(f) Exterior; Weather Tight, Watertight and Vermin Proof Every foundation, roof and exterior wall shall be reasonably weather tight, watertight and vermin proof and shall be kept in sound condition.

(g) Exterior; Deteriorated or Slum-Like. All exposed exterior surfaces shall be maintained so as to be impervious to moisture and weather elements and every rental housing unit shall be free of broken, rotted, split or buckled exterior wall coverings or roof coverings. All exposed exterior surfaces shall not otherwise present a deteriorated or slum-like appearance and will meet the specific requirements which follow:

(1) All exterior wood surfaces shall be protected from the elements and from deterioration by paint or other protective treatment; except such wood surfaces composed of wood that is naturally resistant to decay;

(2) All exterior painted surfaces shall be painted with paint that is lead free and shall be free of loose, cracked, scaling, chipping or peeling paint in such amounts as to present a deteriorated or slum-like appearance;

(3) Roof coverings shall be watertight and weather tight and shall be free of broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or

slum-like appearance. All roofing materials shall meet the requirements of all adopted codes and ordinances; and

(4) Replacement materials and paint used to repair or repaint exterior surfaces of a rental housing unit shall be visually compatible with the remainder of the materials and paint on the exterior of the unit.

(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. Beds shall be dressed and maintained. All 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 unattended or deteriorated or slum-like appearance. Yards shall be covered by appropriate landscaping trees, plants beds, sod or grass and no bare patches shall be greater than three (3) square feet, except areas around trees or other areas where the owner has made a significant effort to maintain ground cover and presents an affidavit from a landscape architect (B.S., licensed and actively practicing) or horticulturist (B.S., licensed and actively practicing) that no ground cover or landscaping plants can reasonably be maintained in the bare area.

(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.

(j) Inoperable Vehicles; Common Parking Areas. Common parking lots and parking areas, serving more than one rental housing unit, shall be maintained free from the storage of abandoned, wrecked, dismantled, unregistered or inoperable vehicles.

(k) Inoperable Vehicles; Other Areas. Parking areas serving only one rental housing unit, shall be maintained free from the storage of wrecked, dismantled or inoperable vehicles. It is an affirmative defense to a violation of this subsection based on a wrecked, dismantled or inoperable vehicle, that the vehicle was titled to a resident of the property, that the vehicle was undergoing repair, and that the wrecked, dismantled or inoperable vehicle was repaired and any evidence of the repairs was removed within fourteen (14) days after the repair was begun.

(l) Swimming Pools; Maintenance. All swimming pools, architectural pools and spas shall be properly maintained so as not to create a safety hazard, harbor insect infestation or create a deteriorated or slum-like appearance.

(m) Stagnant Water. All premises shall be maintained so as to prevent the accumulation of stagnant water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects or causes damage to foundation walls.

(n) Infestation. Every rental housing unit and premises shall be kept free from insect,

rodent or vermin infestation. Every rental housing unit and premises shall be free from the presence or apparent evidence of insect or rodent infestation, other noxious pests, nesting places and any other unsightly or unsanitary accumulation which may harbor insects, rodents or other vermin.

(o) Maintenance of Facility and Equipment. Every supplied facility, piece of equipment or utility shall be so constructed, installed and maintained so that it will function safely and effectively and remain in sound condition.

(p) Discontinuation of Services. No owner, agent or manager shall cause any services, facilities, equipment or utilities which are required under this code to be removed from, shut off or discontinued in any occupied rental housing unit except for such temporary interruption as may be necessary while actual repairs or alterations are in process.

(q) Responsibility for Maintenance. It shall be the responsibility of the owner, agent and manager or control person to provide for the interior and exterior maintenance of the rental housing unit and premises.

Sec. 12-223 Stormwater Drainage.

Each rental property shall have in place gutters and retention devices (rain barrels, etc.), approved by the Department of Community Development, with a capacity to hold and delay discharge of roof top rain run-off for two (2) hours. Retained water may be used for uses allowed for non-potable water, such as irrigation. However no run-off water shall be detained or retained in a manner which might promote or produce a haven for mosquitos or other pest. However no run-off water shall be detained or retained in a manner which causes such water to be discharged into the public sewer system or in a manner which violates or is otherwise prohibited by the City's Stormwater Drainage Ordinance.

Sec. 12-224 Sprinklers And Fire Suppression.

(1) All multi-unit (2 or more units with common walls) housing shall have a sprinkler system for fire suppression approved by the City's Fire Chief or his designee as meeting the requirements of the current codes for new construction. The sprinkler system shall be inspected each year and the owner of the premises, upon notice, must repair, install, modify or replace the system to bring it into compliance with the applicable codes. In relation to the reviews and inspections required by this section the following fees shall apply: \$250.00 for Plan Review and Comment, \$75.00 per unit for initial inspection (first year), \$75.00 per unit for annual inspections or follow up inspections not due to failure or non-appearance at a previous inspection, and \$125.00 for any follow-up inspections due to failure or non-appearance at a previous inspection. The fees provided for in this Section shall automatically increase 3% on October 1st of each year beginning on October 1, 2014, and continuing each year there after.

(2) Rental housing other than units covered by subsection 1 above, shall have installed in a fixed place within the kitchen a fire extinguisher meeting the written standards established by the Fire Chief or his designee.

Section 12-225 Storm Shelters and Warning Systems

(1) All multi-unit (2 or more units with common walls) housing and locations where more than five (5) mobile/manufactured houses rental units shall have on site a warning siren or sirens, approved by the Fire Chief or his designee, equal to or exceeding the sirens maintained by the City and which must be coordinated with the City's system.

(2) All multi-unit (2 or more units with common walls) housing and locations where more than five (5) mobile/manufactured houses rental units shall operate a telephone and text emergency warning system which notifies the tenants of such properties of emergencies.

(3) All multi-unit (2 or more units with common walls) housing and locations where more than five (5) mobile/manufactured houses rental units shall have on such premises a storm shelter capable of comfortably sheltering the number of persons which represent the maximum capacity of the covered property or location. The shelter shall be constructed and maintained in a condition to withstand a F2 tornado (Fujita Scale). The shelter shall be outfitted and equipped in accordance with written guidelines issued by the Fire Chief or his designee.

Sec. 12-226. Vacation of Tenants; Re-occupancy.

(a) Comply Even if Vacated. An owner, agent, control person or manager served with a citation or enforcement proceeding for violations of this Code or the IPMC as adopted by the City, 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, control person 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.

DIVISION 3. ADMINISTRATION AND ENFORCEMENT

Sec. 12-230. Commencement of Action.

(a) The Department of Community Development and the Code Enforcement Division of the Police Department are 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 City 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 Department of Community Development is authorized to recommend reasonable and necessary rules and regulations to carry out the civil provisions of this article which shall be approved by resolution of the Governing Authorities.

Sec. 12-231. - Remedies and penalties.

(a) Cumulative And Supplemental remedies. The remedies herein are not exclusive and are supplemental of such other remedies and penalties available at law or equity. Nor are the remedies cumulative and the city may proceed under one (1) or more of such remedies set forth herein or available at law or equity.

(b) Criminal misdemeanor. (1) Any person who causes, permits, facilitates or aids or abets any violation of any provision of this code or the IPMC as adopted by the City, or who fails to perform any act or duty required by said codes is guilty of a misdemeanor. (2) Any person who interferes with, prevents, or attempts to interfere with or prevent an individual employed by the city or other person contracted for by the city, from investigating an alleged violation of this chapter or the IPMC, or from correcting or abating a violation of this chapter or the IPMC is guilty of a misdemeanor. (3) Any person, owner, control person, 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, and are pending, 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 and the acceptance has been filed with the Court and a substitution of defendants ordered by the Court. (4) The City's Code Enforcement Officers are authorized to file a criminal misdemeanor complaint in the Pearl Municipal Court for violation of this chapter and/or the IPMC as adopted by the City. (5) Separate offenses. Each day any violation of any provision of the codes and chapters or the failure to perform any act or duty required by this code and, shall constitute a separate violation or offense. (6) For the purpose of enforcement of the codes and chapters, the owner of record, as recorded by the Rankin County Tax Assessor's office, of the property upon which the violation exists, shall be presumed to be a person having lawful control over the property. If more than one (1) person shall be recorded as the owner of the property, said persons shall be jointly and severally presumed to be persons having lawful control over the property. (7) Upon conviction for the misdemeanors set forth in this provision, the Court shall impose a fine, for each conviction, of not less than \$300.00, nor more than one thousand dollars (\$1,000.00), or a sentence of not more than ninety (90) days imprisonment, or both fine and imprisonment.

(c) Abatement or other action under MCA Section 21-19-11 and Chapter 11 of the City's Code.

(d) All other remedies available at law or equity.

(e) The city may record a notice of violation with the Rankin County Circuit Clerk and or the Rankin County Chancery Clerk. A recorded notice of violation shall run with the land. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be filed at the request of the owner or responsible party at the requestor's expense.

Sec. 12-232. - Notice to comply.

(a) Notification. If the city finds a violation of this chapter, in the first instance, in any given twelve-month period, the city shall notify the responsible person through the issuance of a notice to comply.

(b) Contents of notification. A notice to comply issued pursuant to this enforcement code shall include:

- (1) Identification of the property in violation;
- (2) Statement of violation in sufficient detail to allow the owner, occupant, rental agent, property manager or responsible person to identify and correct the problem;
- (3) Compliance date which shall be not less than ten (10) days for minor defects and not more than two (2) days for running water, gas or electrical service, sewer leaks and other sewer problems, and reasonable amounts of hot water or heat, air conditioning or cooling, or essential services;
- (4) Name of the inspector;
- (5) Criminal and civil penalties for failing to correct the violation; and
- (6) City authority to abate the violation should the owner neglect, fail or refuse to correct the violation within fourteen (14) days, to conduct a hearing before the planning and development department director and to assess a lien against the property for the cost of abatement.

(c) Service of notice. The notice to comply may be served and shall be deemed proper and complete by any of the posting the notice on the property and mailing, by regular mail, the notice to the property owner reflected by the records of the Tax Assessor of Rankin County, Mississippi.

Sec. 12-233. - Conflict of ordinances.

In any case where a provision of this enforcement 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 enforcement code, the provision which establishes the higher or more restrictive standard for the promotion and protection of the health and safety of the community shall prevail.

SECTION 3. That all provisions of the ordinances of the City of Pearl in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other provisions of the ordinances of the City of Pearl not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. 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 5. This ordinance shall become effective after passage and thirty (30) days following publication. The City Clerk shall comply with both MCA § 21-19-25 and § 21-17-19 concerning publication of this Ordinance.