

**Ordinance: #07-08-178**

**AN ORDINANCE OF THE CITY OF HORN LAKE, MISSISSIPPI,  
PROVIDING FOR THE REGISTRATION AND REGULATION  
OF RESIDENTIAL RENTAL PROPERTIES**

WHEREAS, pursuant to Section 21-17-5 of the Mississippi Code of 1972, as amended, the Mayor and Board of Aldermen of the City of Horn Lake, Mississippi (the "Governing Authority"), has the authority to adopt any orders, resolutions, or ordinances with respect to the municipal affairs of the City of Horn Lake, Mississippi (the "City"), which are not inconsistent with the Mississippi Constitution of 1890 or any other statute or law of the State; and

WHEREAS, pursuant to Section 21-19-1 et seq. of the Mississippi Code of 1972, as amended, the Governing Authority has the power to make regulations to secure the general health of the City; to prevent, remove, and abate nuisances; to preserve good order and peace of the City and to prevent injury to or destruction of property; and to adopt codes dealing with general public health, safety, and welfare; and

WHEREAS, there are residential rental structures within the City that are used for human habitation which are, or may become in the future, substandard due to a lack of maintenance and progressive deterioration as a result of conditions such as inadequate provision for light and air, insufficient protection against fire hazards, lack of proper heating and plumbing, overcrowding and other unsanitary conditions; and

WHEREAS, if not remedied, the existence of such substandard residential rental structures and conditions will create slum and blighted areas; and

WHEREAS, in addition, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same; and

WHEREAS, the Governing Authority desires that this Ordinance will prevent the growth of slums and blight and will preserve and enhance residential and nonresidential uses and neighborhoods and property values; and

WHEREAS, the City's Comprehensive Plan adopted on April 20, 2004, includes a goal of aggressively promoting the protection, preservation, and stability of the City's residential neighborhoods; an objective of identifying problematic land uses and developing policies designed to minimize their impact on the community; and a strategy to provide incentives to absentee property owners to maintain their properties; and

WHEREAS, the Governing Authority hereby finds that if substandard rental housing is allowed to proliferate within the City, said proliferation will constitute a public nuisance that jeopardizes the welfare of the City; and

WHEREAS, the Governing Authority hereby finds that for the reasons stated herein the health, safety, and welfare of the citizens of the City will be served by the adoption of an ordinance providing for the registration and regulation of residential rental properties.

**Now Therefore,** Be it ordained by the Mayor and Board of Aldermen of the City of Horn Lake as follows:

**I. Purpose**

The central purpose of this ordinance is to protect the public health, safety and general welfare of the citizens of the city in non-owner occupied residential rental property. This ordinance shall also serve:

A. To protect the public health and safety by obtaining compliance in non-owner occupied residential rental dwelling units with the property maintenance standards of the City of Horn Lake as set fully forth in its ordinances and in the International Property Maintenance Code and amendments adopted thereto;

B. To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health of persons occupying residential rental dwelling units;

C. To prevent the overcrowding of non-owner occupied residential rental dwelling units by requiring compliance with minimum space standards per occupant for each such dwelling unit.

D. To facilitate the enforcement of property maintenance standards for the maintenance of existing residential rental buildings.

## II. Definitions.

The following terms, wherever used herein or referred to in this chapter, shall have the respective meanings assigned to them herein, unless a different meaning clearly appears for the context.

A. **Bedroom** – A room in a dwelling house which may be occupied for sleeping purposes. Every room which is at least (70) square feet in floor area, having at least one window facing directly to the outdoors, which is not the kitchen, living room, dining room, bathroom, closet, hall, storage or utility space or similar area, shall be a bedroom.

B. **City** – shall mean the City of Horn Lake, Mississippi.

C. **Component** – A part or element of an architectural, electrical, mechanical or structural system.

D. **Deterioration** – shall mean the condition of the building or part thereof characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

E. **Excellent** (new or like new) – an extremely good or new component which has been replaced / repaired or recently corrected to meet city codes.

F. **Garbage** – shall mean animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

G. **Good** – A component which is above average in condition. No obvious maintenance is required, but not necessarily new.

H. **Infestation** – shall mean the presence, within or contiguous to the structure or premises, of insects, rodents, vermin, or other pests.

I. **Junk** – shall mean any old, discarded or unused waste iron or other metal or substance, glass, paper, used lumber, rags, machine parts, accessories, machinery, machines, unregistered motor vehicles which are unfit for operation, used parts of motor vehicles and any material commonly known and generally referred to as "junk" in the ordinary and accepted meaning of the word.

J. **Major Violation** – a component's useful life is near, a lot of repair is needed. It would be a major expense to replace the property (usually greater than \$1,000 to repair / replace).

K. **Minor** – shall mean any person who is less than 18 years of age.

**L. Minor Violation** – a component is in need of repair to extend its life. It has minor code violations or has incipient violations. An incipient violation exists if, at the time of inspection, it is thought that the physical condition of an element in the structure will deteriorate into an actual violation in the near future (approx. 1-2 years).

**M. Nuisance** – shall mean any one of the following.

- (1) Any public nuisance as defined by statute or ordinance or at common law.
- (2) Any aesthetic nuisance that may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, abandoned motor vehicles, abandoned cesspools, abandoned wells, shafts, basements, excavations, abandoned refrigerators, any structurally unsound fences or structures, used lumber, trash, junk, debris or vegetation, which may prove hazardous.
- (3) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where such physical conditions exist.
- (4) Insufficient ventilation or illumination.
- (5) Inadequate or unsanitary sewage or plumbing facilities.
- (6) Unsanitary conditions or anything offensive to the senses or dangerous to health.
- (7) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (8) Fire hazards.

**N. Occupant** – shall mean any person living or sleeping in a residential rental property; or having possession of a space within a residential rental property.

**O. Owner** – shall mean any person or entity who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have charge, care or control of any dwelling unit as owner or as executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by the lessee.

**P. Property Agent** – shall mean a person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner to the rental housing inspector to manage a residential rental property, including the authority to receive notices or citations on behalf of the owner.

**Q. Refuse** – shall mean all solid waste, except body wastes, including, but not limited to garbage, rubbish, ash, street cleanings, dead animals, abandoned motor vehicles and solid and industrial wastes.

**R. Rental housing inspector** – shall mean the director of planning or any person(s) designated by the director of planning to serve in such capacity. The rental housing inspector shall be responsible for property inspections under this ordinance; shall determine compliance with this ordinance and any other provision of any other ordinance as relates to residential rental property.

**S. Residential rental property** – shall mean all residential dwellings, dwelling units, and rooming units located within the city and rented, leased or occupied for any valuable consideration, but excludes dwellings solely owned by the federal government, the state government or any of their agencies or political subdivisions and facilities licensed by the state as health care facilities, including but not limited to, hospitals, assisted care facilities, and skilled care facilities; and apartment units with on site office management, mobile home parks with on site office management, bed and breakfast establishments, hotels, motels, and extended stay residence motels.

**T. Rubbish** – shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. Yard clippings, leaves, and wood shall be excluded from the definition of rubbish if they are properly composted in accordance with generally accepted practices or located on a wooden area within the property.

**U. Schedule of fees** - A schedule of residential rental property fees established by resolution of the Board of Aldermen. The Board of Aldermen may from time to time modify this schedule of fees as necessary.

**V. Tenant** – shall mean an occupant of a residential rental property.

### **III. RENTAL PROPERTY REGISTRATION AND REGISTRATION FEES REQUIRED.**

**A.** Each and every owner of residential rental property shall be required to register each such rental property with the rental housing inspector within ninety (90) days from the effective date of this ordinance. Application for residential rental property registration shall be made upon a form provided by the city. The residential rental property registration shall be renewed annually. The application must be signed by the owner of the property and shall include the following information:

- (1) Name, address, work and home telephone number or other available contact information of each and every owner of the residential rental property.
  - (i) If the owner is a partnership, the names of all partners, the principal business address, and telephone number of each partner must be disclosed; or
  - (ii) If the owner is a corporation, the person registering must disclose whether the corporation was organized under the laws of this state or is a foreign corporation and must show the mailing address, business location, telephone number, name of the main individual in charge of the local office of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of the incorporation;
- (2) Rental Property Information:
  - (i) The owner must provide the street address of the rental property and the number of bedrooms contained therein shall be set forth.
- (3) Designation of the person, including name, address, and phone number, who shall have control over the record/log as required by subsection E of this section.
- (4) Name, address, and telephone number of the property agent, if any. If the property owner(s), for rental property in Horn Lake, reside outside the State of Mississippi a property agent who resides inside the State of Mississippi must be designated for the property.
- (5) The total number of persons who may occupy the rental property under the terms of the rental agreement.

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(6) A certification by the owner or property agent that such rental property is in compliance with this ordinance, the International Property Maintenance Code and other applicable city ordinances.

(7) If any address provided, as required herein, is a post office box, mail delivery service or the like, then a physical address shall also be provided.

B. A continuing duty to update this information is imposed on each property owner and / or property agent. Any changes to information required herein must be submitted to the rental housing inspector within then (10) calendar days of such change.

C. The rental housing inspector may, at any time, require additional relevant information of the owner or property agent to clarify items on the application for registration.

D. A residential rental property registration is not transferable to a new owner. Each new owner of a residential rental property shall make application for registration with the rental housing inspector within ten (10) calendar days following the date on which ownership of a residential rental property was acquired.

E. All registered property owners shall maintain a current record / log containing the name(s) and age(s) of each and every occupant of a leased rental property along with the correct corresponding address for each residential rental property. Separate records shall be required for each residential rental property owned by such property owner. The record / log shall be maintained by the property owner or their agent. Within forty-eight (48) hours of the request of the rental housing inspector to view the record / log, the property owner or agent shall produce such record / log for inspection.

F. The owner(s) of any residential rental property shall pay the City an annual registration fee, for each residential rental property owned, as indicated in the schedule of fees. The registration fee for each residential rental property shall be due and payable at the time of the initial registration by a property owner(s) and then annually thereafter.

G. The rental housing inspector shall within thirty (30) business days after receipt of the registration application, either issue a certificate of registration or notify the owner that the application does not comply with the requirements of this ordinance.

H. The rental housing inspector will mail a renewal notice to the owner or property agent thirty (30) or more days prior to the expiration of a residential rental property registration; however, the failure of the rental housing inspector to mail a renewal notice or the failure of the owner or property agent to receive such notice will not negate the owner's responsibility to renew the residential rental property registration.

I. A certificate of registration shall be valid, unless suspended, for a period of (12) months following issuance thereof. Any residential rental property registration fee or renewal fee that is more than 30 days late will be subject to a penalty as prescribed in the schedule of fees.

(1) Regardless of when the residential rental property registration is renewed, the registration will only be valid for a period of 12 months from the date the renewal was due.

**J. It shall be considered a violation of this ordinance for an owner to do any of the following:**

(1) To fail to register residential rental property.

(2) To fail to update information as required within ten (10) days of any changes.

- (3) To fail to renew the registration for the owner's residential rental property within the city.
  - (4) To allow any residential rental property to be used for human habitation without a current and valid certificate of registration and certificate of inspection issued by the City of Horn Lake under the provisions of this ordinance.
- K. Each and every day that a violation continues to exist shall constitute a separate offense.
- L. It shall be a violation of this ordinance for any person to file a false registration application with the city.

#### IV. INSPECTION OF RENTAL PROPERTY

**A. Inspection** – Every residential rental property required to be registered under the provisions of this ordinance shall be inspected to determine whether the property complies with the provisions of this ordinance and other applicable city codes. After completion of the first inspection, the residential rental property will be given a rating as follows and re-inspection intervals will be determined by the most recent rating the rental property received.

- (1) Class A – the residential rental property is in excellent condition and has minor or no violations of applicable city codes requiring re-inspection. The property will be inspected every 3 years thereafter.
- (2) Class B – The residential rental property is in good condition and has minor violations of applicable city codes requiring re-inspection and the violations do not pose an immediate threat of danger to life, health and safety of the occupants of the property. The property will be inspected every 2 years thereafter.
- (3) Class C – The building is in sound condition and has major and minor violations of applicable city codes, requiring re-inspection and that do not pose an immediate threat of danger to the life, health or safety of the occupants of the property. The property will be inspected every year thereafter.

**B. Inspection fee(s)** for residential rental property are as prescribed in the schedule of fees.

**C. Re-Inspection** - If a violation(s) exist that require correction then the violations must be corrected and a re-inspection must be completed before an inspection certificate will be issued. Re-inspection fee(s) for residential rental property are as prescribed in the schedule of fees.

**D. Rental of part of a dwelling** – If part of a dwelling is leased or rented by the owner or property agent to another person for any valuable consideration, then the entire dwelling shall be subject to the registration and inspection requirement set forth in this ordinance.

#### V. MINIMUM GENERAL REQUIREMENTS FOR RESIDENTIAL RENTAL PROPERTY AND ITS PREMISES.

**A.** The following items constitute minimum general requirements for residential rental property and the premises surrounding the property. If any residential rental property 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;

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- (2) No potable water service;
- (3) No hot water supply;
- (4) No electricity;
- (5) Presence of rodents, mice, or other infestation;
- (6) Failing or failed primary structural members that threaten the stability of the dwelling and / or structural defects that appear to render the structural members ineffective;
- (7) Improperly operating or no sanitary facilities;
- (8) Presence of raw sewage or open sewer, inside the dwelling, whether from broken, plugged or inoperative fixtures or pipes inside the dwelling, or migrating into the dwelling from outside;
- (9) Primary means of exit or escape in the event of fire or other emergency is blocked or structurally unsafe;
- (10) Absence of fully operational smoke alarms, as required under the regulations of the City of Horn Lake and the International Residential Code.
- (11) Absence of garbage and sanitation receptacles as required by city ordinance.
- (12) Absence of access directly to the outside or to a common corridor. Bedrooms must have at least one 5.7 square foot operational window, or an exterior door that is operable from the inside. 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) **Maximum occupancy** – The owner or property agent shall inform each tenant in writing, prior to occupancy, of the maximum number of occupants allowed to reside in the rental property leased by such tenant. The maximum number of occupants in a rental dwelling shall be the lesser of the following:
  - (i) Two (2) occupants per bedroom, this does not include minors.
  - (ii) The total maximum occupancy of any rental property shall not exceed twelve (12) persons and this is inclusive of minors.
  - (iii) Nothing in this subsection prevents the owner of rental property from establishing a maximum occupancy that is less than that allowed under this ordinance. If a lower maximum occupancy is established then it shall be submitted as part of the rental property registration.
- (15) It shall be a violation of this ordinance for an owner or property agent to permit the maximum occupancy of any residential rental property to be exceeded.

(16) Any other condition or nuisance present on the residential rental property and its premises which, in the opinion of the rental housing inspector, represents a threat to life, safety and property.

B. Failure by the owner, property agent, or occupant to comply with the minimum general requirements as set forth herein shall be prima facie proof of a violation under this ordinance. Each day the violation(s) continues to exist will constitute a separate offense. The owner and / or property agent shall be held responsible for any such violation(s).

**VI. ENFORCEMENT AUTHORITY, PROCESS FOR VIOLATIONS, NOTIFICATION THEREOF AND METHODS OF SERVICE.**

A. The provisions of this ordinance shall be enforced by the City of Horn Lake planning department, fire department and police department.

B. If any rental property is found to be in violation of the provisions of this ordinance the rental property inspector may take one or more of the following actions:

(1) Notify the owner or property agent of the violation(s) and the amount of time allowed for correction of the violation(s).

(i) At the end of the time allowed for correction of any violation(s) cited, the residential rental property shall be re-inspected by the rental housing inspector.

(2) Issue an affidavit/summons to the owner, property agent, and/or occupant to appear in court for the violation(s).

(i) If an occupant of a residential rental property is issued an affidavit / summons to court for a violation(s) of this ordinance the rental housing inspector will send notice to the owner or property agent by first class mail at the address provided in the residential rental property registration.

**C. Methods of service for affidavit / summons to court** – Such notice shall be deemed to be properly served if a copy thereof is:

(1) Delivered personally to the person to be summoned to court.

(2) Sent by certified mail, return receipt requested, with restricted delivery to the person to be summoned to court or by any other commercial delivery service which can confirm delivery. Service by this method shall be deemed complete as of the date of delivery as evidenced by the return receipt or by the returned envelope marked “refused”.

**D. Non-registration by property owner** – For the purposes of this ordinance, in the event a property owner fails to register any rental property as required under the terms of this ordinance, then the proper person and address for service shall be the person last listed as the property owner in the Desoto County Tax Assessor’s Office.

**E. Suspension of certificate of registration, appeals, violations.**

(1) Suspension of certificate of registration – The rental property inspector may suspend a rental property registration for up to ninety (90) days for the following reason.

(i) The rental housing inspector determines that any residential rental property is in violation of this ordinance and has caused an affidavit / summons to issue requiring the owner, property agent or tenant to appear in municipal court to

answer the violation cited under this ordinance, and the affidavit / summons cannot be served upon the owner, property agent or tenant despite reasonable efforts to do so; or, having been served, the owner, property agent or tenant has failed to appear in municipal court to answer the violation cited under this ordinance or failed to appear at any other stage in the proceedings; or, having been convicted or entered a plea of guilty or no contest, the owner, property agent or tenant, has failed to satisfy the rulings of the court or any condition of a deferred judgment.

(ii) The rental property inspector's authority under this subsection is in addition to any other authority the rental property inspector or any other representative of the city has under the provisions of this ordinance, and election of one remedy shall not preclude resorting to any other remedy allowable under this ordinance or any other law.

(2) Any owner or property agent may appeal a suspension of a certificate of registration to the Board of Aldermen if such appeal is requested in writing within ten (10) calendar days from the date of the notice of suspension. Any appeal timely filed will delay the suspension of the certificate of registration until a final decision has been rendered by the Board of Aldermen.

(3) It shall be a violation of this ordinance for any person to occupy any residential rental property as an occupant and/or tenant or for an owner or property agent to allow any person to occupy a residential rental property after receiving actual or constructive notice that the residential rental property registration has been suspended.

#### **F. CONSENT TO AND NOTICE OF INSPECTION**

(1) The obtaining by an owner of a certificate of registration issued pursuant to this ordinance constitutes irrevocable consent to inspections by the city allowing the city to enter any and all portions of the rental property subject to a certification of registration. Such inspections shall be made and / or permitted during reasonable hours. Such inspections shall be conducted for the purposes of ensuring that no code violations exist on the rental property.

(2) Each rental property agreement shall contain an irrevocable written consent by the lessee/occupant granting unto the owner and the city the right to inspect the rental property as provided for in the ordinance.

(3) The owner or property agent shall be given at least 15 days notice, by first class mail, before any inspection is undertaken pursuant to the provisions of this ordinance, and the owner or property agent must be present during the inspection.

(i) In the event the owner or property agent cannot appear on the date prescribed in the inspection notice, the owner will have 10 days to contact the rental housing inspector to reschedule the inspection. The maximum extension shall be fifteen (15) days from the date specified on the original inspection notice.

(4) If the owner or property agent misses a scheduled appointment for an inspection, a missed inspection fee will be due as prescribed in the schedule of fees.

(5) It shall be a violation of this ordinance for an owner, property agent, and/or lessee/occupant to refuse to permit inspection of all portions of the residential rental property by the city.

#### **G. OWNER LIABILITY FOR ACTS AND OMISSIONS**

Every act or omission of whatsoever nature constituting a violation of any provision of this ordinance by any officer, director, manager, trustee, employer, agent, rental agent, or managing agent of any owner shall be deemed to be the act of such owner and such shall be punishable in the same manner as if such act or omission had been done or omitted by such owner personally.

#### **H. CONDITIONAL SALE CONTRACT/LEASE PURCHASE AGREEMENT**

Notwithstanding its terms, no conditional sale contract, lease purchase agreement, or similar agreement concerning any residential rental property subject to this ordinance shall relieve an owner of his/her/its duties under this ordinance. Further, notwithstanding the terms of any such contract or agreement, the "seller" in such an agreement shall remain the owner of the rental property for purposes of this ordinance. The owner of a rental property subject to this ordinance may not delegate, assign, or contract for another to be responsible for the owner's duties and responsibilities under this ordinance.

#### **I. PENALTY FOR VIOLATION**

Any person, firm, corporation, agent or occupant who shall violate any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

#### **J. DISCLAIMER OF LIABILITY**

The issuance of a certificate of registration is not a warranty or guarantee that there are no defects in the rental property. The City of Horn Lake in no way assumes responsibility for defects within or without a rental property. The city shall not assume any liability to any person by reason of the inspections required by the ordinance or the provisions adopted herein or the issuance of a certificate of registration / inspection certificate. Furthermore, the certificate of registration and any inspections required by or conducted pursuant to this ordinance are not a representation, guarantee or warranty of any kind by the city of the fitness of a dwelling for which the certificate of registration / inspection certificate was issued nor is it a representation, warranty or guarantee of any kind by the city that such a rental property is in compliance with city codes. No person shall rely on the certificate of registration / inspection certificate as a representation of the condition of such rental property. A statement substantially in this form shall appear on each certification of registration / inspection certificate issued by the city.

#### **K. APPLICABILITY OF CODES AND LAWS**

The provisions of this ordinance does not relieve any person from the requirement of any other code requirement of the City of Horn Lake, including but not limited to, the requirements of the International Building Code, NEC Electrical Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Property Maintenance Code, the Zoning Ordinances of the City of Horn Lake or any other applicable local or state law.

#### **L. TIME FOR COMPLIANCE**

- (1) Unless otherwise specifically provided for in this ordinance, any rental property which does not meet the requirements as set forth in this ordinance shall be brought into compliance with such requirements within three 90 days from the date of adoption of this ordinance.

#### **M. SEVERABILITY**

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If any section, subsection, sentence, clause or phrase of this ordinance, is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Horn Lake hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**N. EFFECT ON LITIGATION**

That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**O. ORDINANCE CUMULATIVE**

This ordinance shall not be construed to repeal any provision of any ordinance of the City of Horn Lake, Mississippi. Instead, this Ordinance shall be held to be in addition to and cumulative to all ordinances found in the City of Horn Lake, Mississippi.

**P. EFFECTIVE DATE OF ORDINANCE**

This ordinance shall take effect and be in full force thirty (30) days after passage by a majority of the Board of Aldermen and after publication as required by law.

**RENTAL HOUSING REGISTRATION APPLICATION**

City of Horn Lake

**Office of Planning and Development  
Building Inspection Division  
3101 Goodman Rd.  
Horn Lake, MS 38637  
662-342-3559**

<b>THE FOLLOWING MUST BE INCLUDED:</b>	
➤ Completed application with all information printed, typed or circled as appropriate. Signatures must be original.	
➤ Registration fee--\$50.00	
<b>TYPE OF APPLICATION: (Check all that apply)</b>	
<input type="checkbox"/> New <input type="checkbox"/> Renewal Change in: <input type="checkbox"/> Property Owner Information <input type="checkbox"/> Managing Operator Information	
<input type="checkbox"/> Renter Information	
<b>Section 1. Rental Property Information</b>	
Rental Property Address _____	No. of bedrooms _____
No. of Smoke Detectors _____	Heating System: Electric <input type="checkbox"/> Gas <input type="checkbox"/> Propane <input type="checkbox"/>
Air Condition System: Window Unit <input type="checkbox"/> Central <input type="checkbox"/> Sewage System: Public <input type="checkbox"/> Private <input type="checkbox"/>	
Water Source: Public <input type="checkbox"/> Private <input type="checkbox"/> Hot Water Heater: Elec. <input type="checkbox"/> Gas <input type="checkbox"/>	
(1) A certification by the owner or property agent that such rental property is in compliance with this ordinance, the International Property Maintenance Code and other applicable city ordinances.	
<b>Section 2. Property Owner's Information</b>	
Property Owner Name _____	Contact No. _____
Cell Phone No. _____	Physical Address (no post office boxes) _____
D.O.B. _____	Social Security Number _____

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Names and Contact numbers of any additional partners must be disclosed or if the owner is a corporation, this information must be provided as well.

Name, address and phone number of person who shall have control over the log as required by this ordinance.

"All registered property owners shall maintain a current record / log containing the name(s) and age(s) of each and every occupant of a leased rental property along with the correct corresponding address for each residential rental property. Separate records shall be required for each residential rental property owned by such property owner. The record / log shall be maintained by the property owner or their agent. Within forty-eight (48) hours of the request of the rental housing inspector to view the record / log, the property owner or agent shall produce such record / log for inspection."

Section 3. Renter Information

- 1. Name \_\_\_\_\_ D.O.B. \_\_\_\_\_ Soc. Sec. # \_\_\_\_\_
- 2. Name \_\_\_\_\_ D.O.B. \_\_\_\_\_ Soc. Sec. # \_\_\_\_\_
- 3. Name \_\_\_\_\_ D.O.B. \_\_\_\_\_ Soc. Sec. # \_\_\_\_\_

Section 3. Renter Information

- 4. Name \_\_\_\_\_ D.O.B. \_\_\_\_\_ Soc. Sec. # \_\_\_\_\_
- 5. Name \_\_\_\_\_ D.O.B. \_\_\_\_\_ Soc. Sec. # \_\_\_\_\_
- 6. Name \_\_\_\_\_ D.O.B. \_\_\_\_\_ Soc. Sec. # \_\_\_\_\_

Section 5: Agreement/Disclaimer

I, \_\_\_\_\_, SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY, THAT THE ABOVE INFORMATION RELATING TO THE DWELLING LOCATED AT \_\_\_\_\_, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT I WILL SUBMIT ANY CHANGE IN THE INFORMATION RELATING TO THE PROPERTY OWNER, MANAGING OPERATOR, TRUSTEE, OR RESIDENTS, NOT MORE THAN THIRTY DAYS AFTER SUCH CHANGE.

I ALSO AGREE TO ALLOW THE CODE OFFICIAL TO INSPECT THIS DWELLING UNIT.

I FURTHER UNDERSTAND THAT ANY VIOLATION OF THIS ORDINANCE AND/OR REGULATIONS ADOPTED IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE, MAY RESULT IN THE DENIAL, SUSPENSION, REVOCATION OR NON-RENEWAL OF THE CERTIFICATE OF OCCUPANCY AND/OR IF FOUND GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED NOT LESS THAN \$150.00 NOR MORE THAN \$1000.00 OR BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT.

ORDINANCE RECORD, CITY OF HORN LAKE, HORN LAKE, MISSISSIPPI

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RENTAL HOUSING INSPECTION SHEET

Section 1. Rental Property Information

Rental Property Address \_\_\_\_\_ No. of bedrooms \_\_\_\_\_

Number of people allowed to occupy rental dwelling \_\_\_\_\_

Maximum occupancy – The owner or property agent shall inform each tenant in writing, prior to occupancy, of the maximum number of occupants allowed to reside in the rental property leased by such tenant. The maximum number of occupants in a rental dwelling shall be the lesser of the following:

Two (2) occupants per bedroom, this does not include minors.

The total maximum occupancy of any rental property shall not exceed twelve (12) persons and this is inclusive of minors.

No. of Smoke Detectors \_\_\_\_\_ Operable? \_\_\_\_\_

Heating System: Electric  Gas  Propane  Operable? \_\_\_\_\_

Air Condition System: Window Unit  Central  Operable? \_\_\_\_\_

Sewage System: Public  Private  Operable? \_\_\_\_\_

Water Source: Public  Private  Operable? \_\_\_\_\_

Hot Water Heater: Elec.  Gas  Operable? \_\_\_\_\_

(A certification by the owner or property agent that such rental property is in compliance with this ordinance, the International Property Maintenance Code and other applicable city ordinances must be presented with the application.)

Section 2. Rental Rating

- Class A – the residential rental property is in excellent condition and has minor or no violations of applicable city codes requiring re-inspection. The property will be inspected every 3 years thereafter. Next inspection date is \_\_\_\_\_
Class B – The residential rental property is in good condition and has minor violations of applicable city codes requiring re-inspection and the violations do not pose an immediate threat of danger to life, health and safety of the occupants of the property. The property will be inspected every 2 years thereafter. Next inspection date is \_\_\_\_\_
Class C – The building is in sound condition and has major and minor violations of applicable city codes, requiring re-inspection and that do not pose an immediate threat of danger to the life, health or safety of the occupants of the property. The property will be inspected every year thereafter. Next inspection date is \_\_\_\_\_
No occupancy certificate will be granted until the violations are corrected and a re-inspection is completed.

Inspected by \_\_\_\_\_ Date \_\_\_\_\_

Reinspected by \_\_\_\_\_ Date \_\_\_\_\_

## ORDINANCE RECORD, CITY OF HORN LAKE, HORN LAKE, MISSISSIPPI

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After being reduced to writing, read section by section and as a whole, a motion was made by Alderman Smith and duly seconded by Alderman Polzin for the adoption. A roll call vote was taken with the following results:

YEAS: Alderman Polzin, Alderman Sheley, Alderman Jones, Alderman Smith,  
Alderman Lay, Alderman Downing and Alderman White.


NAYS: None.

ABSENT: None.

After receiving the majority vote the Mayor declared this Ordinance approved on this the 21<sup>st</sup> day of August 2007.

  
Mayor

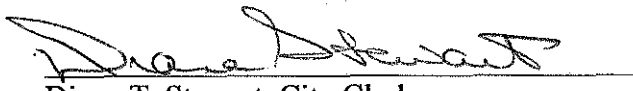
Attest:

  
City Clerk  
Seal

**CLERK'S CERTIFICATE**

This is to certify that I am the duly appointed, qualified and acting Clerk of the City of Horn Lake, Mississippi, organized and existing under and by virtue of the laws of the State of Mississippi; that as said Clerk, I have full custody of the Minutes, Ordinances and records of the Mayor and Board of Aldermen of the City of Horn Lake, Mississippi and all other records of said City; that the foregoing pages constitute a true, complete and exact copy of Ordinance #07-08-178 approved by the Mayor and Board of Aldermen on the 21<sup>st</sup> day of August 2007, as found in Minute Book #22 on Pages 12756-12770.

Dated this the 28<sup>th</sup> day of August 2007.

  
Diane T. Stewart, City Clerk  
Seal