

CITY OF RICHLAND

ORDINANCES PASSED

February 4, 2025

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ORDINANCE 2025- 1

AN ORDINANCE TO AMEND AND RESTATE “ORDINANCE 2020-1 REGULATING RESIDENTIAL RENTAL PROPERTY, THE INSPECTIONS THEREOF AND RELATED FEES”

WHEREAS, the Mayor and Board of Aldermen (“Governing Body”) of the City of Richland, Mississippi (“City”) has previously had in place “Ordinance 2020-1 An Ordinance Regulating Residential Rental Property, the Inspections Thereof and Related Fees” and determined that:

1. Providing for the general safety and well-being of all the residents living within the City is an essential governmental function.
2. In efforts to promote such safety and well-being, the City has enacted numerous building codes and related ordinances to regulate the construction, maintenance and general upkeep of all buildings and structures located within the City, including residential structures.
3. The maintenance and upkeep of residential rental property, including apartments, can often be neglected by the owners of such properties and/or their occupants, or common safety issues and health hazards develop and become unknown to the occupants and/or the owners of residential rental property.

WHEREAS, due to changing characteristics and uses in the City since 2020, the Governing Body of the City now desires to amend Ordinance 2020-1 and restate it as Ordinance 2025-1 (“Ordinance”) for regulating the residential rental property, the inspections thereof and related fees in the City of Richland, Mississippi, for the preservation of the public health, safety and welfare in the exercise of its general police powers.

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

SECTION 1: Definitions.

The following words, whenever used in this Ordinance shall have the meaning ascribed to them in this Section unless a different meaning clearly appears from the context.

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- A. "Apartment" shall mean a dwelling unit located in a multi-family structure for occupancy by one family only, either rented or leased to the occupants.
- B. "Dwelling Unit" shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- C. "Residential Rental Property" shall mean a dwelling unit, structure(s), and property that is (1) rented, leased, or occupied by a non-fee simple owner pursuant to any lease or rental agreement, or (2) rented, leased or occupied by any non-fee simple owner pursuant to any lease-purchase, any contract for sale, any contract for deed, or any other instrument purporting to transfer ownership of property where the transfer of title is delayed. Residential Rental Property is further defined as an Apartment and premises, a room for rent, a rental house and premises, a rental townhouse and premises, a rental duplex and premises, rental Mobile Home, and residential rental units in a mixed-use building or development.
- D. "Short-Term Rental" shall mean a fully furnished residential rental property or portion thereof for a time of less than thirty (30) days.
- E. "Mobile Home" shall mean a dwelling unit manufactured in part or whole within a factory.

SECTION 2: Residential Rental Registration and License. All residential rental properties located within the City must first be registered as such with the City to obtain the requisite license. The owner(s) of all residential rental properties must complete a rental registration form with the City that lists, at a minimum, the name and contact information of the owner of the rental property, the location of the residential rental property within the City and a signed statement acknowledging compliance with all City ordinances and residential inspections and fees, as contemplated herein. The City's Building Official is designated the authority to prepare the rental registration form. Upon successful completion of the residential rental property registration form and the passage of the initial inspection (except apartments) as provided in Section 4 herein, the owner or his/her designee, shall be issued a license for the rental of the structure listed on the registration form. Such license shall authorize the residential rental of the structure at issue subject to compliance with all City ordinances and regulations and re-inspection

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upon change in occupancy (apartments shall be subject only to an annual inspection and short-term rentals shall be subject to the initial inspection herein and an annual inspection thereafter).

SECTION 3: Utilities. All utilities for residential rental properties (excluding apartments and short-term rentals) must be registered and in the name of the actual occupant or occupants of the residential rental property.

SECTION 4: Inspections. (a) Prior to renting any structure for residential occupancy, excluding apartments, and at the time of a change in occupancy of the residential rental property (excluding apartments and short-term rentals), the owner, or his/her designee, of the residential rental property shall call for and pay (as provided below) for an inspection of the residential rental property by the City to determine compliance with all City ordinances. All such inspections shall be only to confirm proper health and safety requirements as established by the City's ordinances to promote the health, safety and general welfare of its residents. The City's Building Official shall compile a standardized and reasonable checklist of inspection items in conformance with the City's intent herein. Until such time as a residential rental property has passed the requisite inspection by the City as provided for herein, the rental license shall not be issued and the property shall not be rented.

(b) All apartments and short-term rentals shall be inspected by the City at least once per year. The Building Official shall coordinate inspections with the owner or management company to provide proper and advance notice to each tenant (if occupied) of the time of such inspections. As provided herein, such inspections shall be only to confirm proper health and safety requirements per the Building Official's standardized and reasonable checklist in conformity with the City's ordinances. In accordance with state law, if an apartment unit or short-term rental is occupied, any immediate health and safety items flagged by the Building Official or his designee as the result of an inspection shall be promptly repaired. If the unit or short-term rental is not occupied, the unit shall not be rented until such time as the unit has passed the requisite health and safety inspection.

SECTION 5: Fees. The fee for each inspection and reinspection of any residential rental property contemplated herein, other than an apartment complex or mobile home, shall be \$50.00

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and shall be paid by the owner, or his/her designee, of the residential rental property requiring the inspection. Inspection fees for mobile homes shall be charged as provided for in the City of Richland Mobile Home Ordinance, 2011-1. Inspection fees for apartments shall be \$150.00 per apartment complex per annual inspection. Any reinspection of an individual apartment unit due to a failure of an annual inspection shall be at \$10 per unit. For convenience, a Summary Chart of the inspections and fees contemplated by this Ordinance is attached as Exhibit A.

SECTION 6: Exemptions. None of the fees provided for herein shall be charged to any civic charitable organization, public school, or church, or in cases where an inspection is necessary for the repair or rebuild of properties which have been damaged or destroyed by fire, windstorm or other natural disaster. Further, this ordinance shall not apply to:

(a) An owner-occupied structure, where such owner allows joint occupancy of the structure, unless such portion of the structure that is rented or leased constitutes a separate residential structure as evidenced by separate kitchen facilities.

(b) Hotels or motels.

(c) Housing that is owned, operated, managed or maintained by a government agency or authority.

(d) Housing accommodations in any hospital, out-patient facility, or rehabilitation center.

The Mayor and Board of Aldermen may grant such other exemptions as they deem reasonable and proper.

SECTION 7: Warrant Requirement. If the owner or tenant of any structure contemplated herein refuses entry upon request of City official to carry out inspections incident to the enforcement of this ordinance, the City may make application to the appropriate judicial officer for a warrant based upon constitutional standards in effect at the time of application, and shall not make entry in absence of consent, lawful warrant or other legal authority.

SECTION 8. No Warranty by City. By adopting and undertaking the enforcement of this ordinance, neither the City nor its board of aldermen, agents or employees warrant or guarantee the safety, fitness or suitability of any residential rental property located in the City. Owners and tenants should take whatever lawful steps they deem appropriate to protect their interest, property,

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health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of every rental registration form and license.

SECTION 9. Appeals. An owner (or his/her designee) or tenant who disagrees with a determination or order of the Building Official under this ordinance, may appeal such determination to the Mayor and Board of Aldermen, who shall be given notice and an opportunity to be heard. The appeal shall be written and filed within ten (10) days after notification of the decision or order is given to the aggrieved party.

SECTION 10. Penalties. Any person who knowingly violates this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in a sum not to exceed \$500 per day for each offense. Each day or portion of a day that said violation continues shall constitute a separate offense.

SECTION 11. Severability. Every section, subsection or provision of this Ordinance is declared separable from every other section, subsection or provision to the extent that if any section, subsection or provision of this Ordinance shall be held invalid, such holding shall not invalidate any other section, subsection or provision thereof.

SECTION 12: Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed, including Ordinance 1996-23 and Ordinance 2004-3.

SECTION 13: Taxation. If allowed by law, the City shall impose its 3% Hotel/Motel Tax on short-term rentals.

SECTION 14: Effective Date. This Ordinance shall take effect and be in force as provided for by law.

SO ORDAINED, this the 4th day of February, 2025.

* * * *

The motion to adopt the foregoing Ordinance, having been made by Alderman Quick and having been seconded by Alderman Sanford and no request having been made by any member of the Mayor and Board of Aldermen that said Ordinance be read by the Clerk before vote was taken, said Ordinance was adopted by the vote of the Board of Aldermen, the results being as follows:

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Alderman Gus Black	voted: <u>AYE</u>
Alderman A.J. Shields	voted: <u>AYE</u>
Alderman John Hamilton	voted: <u>AYE</u>
Alderman Beth Sanford	voted: <u>AYE</u>
Alderman Matthew Quick	voted: <u>AYE</u>

The motion having received the affirmative vote of all members of the Board of Aldermen present, the Mayor declared the motion so carried and this Ordinance unanimously adopted this the 4th day of February, 2025.

Approved:


Clay Burns, MAYOR





Karen Jackson, CITY CLERK

EXHIBIT A

Summary Chart		
Type of Rental	Inspection	Fee
Residential Rental Property	Initial and Change of Occupancy	\$50 per inspection (Mobile Home regulated by 2011-1)
Apartment	Annually	\$150 per complex; \$10 re-inspection per unit
Short-term Rental	Initial and then Annually	\$50 per inspection