

ORDINANCE NO. 897-08

Whereas, the City of Albertville, Alabama has determined that overcrowding of residential structures is detrimental to the health, sanitation, safety, order, comfort, convenience and general welfare of the inhabitants of the city,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALBERTVILLE, ALABAMA, AS FOLLOWS:

Section 1. Maximum Occupancy of Residential Structures.

- (a) The maximum number of persons (other than minors as defined by Alabama law) who may occupy a residential structure is two (2) per bedroom.
- (b) No Owner or Property Agent shall permit the maximum occupancy of (i) the owner's residential structure or (ii) a residential structure located on the Owner's real estate to be exceeded.

Section 2. Definitions.

For purposes of this ordinance, the following terms shall have the definitions indicated:

- (a) "Bedroom" means any habitable room or enclosed floor space having at least one window facing directly to the outdoors, in a residential structure which is regularly used for sleeping purposes other than (1) a room or enclosed floor space used for eating, dining, or cooking or (2) an accessory room or space such as a foyer, hall, pantry, closet, laundry room, utility room, or bathroom.
- (b) "Occupy" means living or sleeping in a residential structure, but does not include a transient or temporary occupancy in a hotel or motel.
- (c) "Owner" means any person or entity (i) who alone or jointly with others has a legal or equitable title to any residential structure or to the real estate upon which such residential structure is located, with or without the right to immediate possession, or (ii) who has the right to possession as a tenant of such Owner.
- (d) "Property agent" means a person or entity acting on behalf of the Owner of a residential structure, or the real estate upon which a residential structure is located to manage or otherwise control the occupancy of the residential structure.
- (e) "Residential structure" means a single-family dwelling, a single dwelling unit of a two-family or multiple dwelling, a mobile home or manufactured house, or any other structure used for living or sleeping, whether or not designated.

Section 3. Occupant Register and Statement.

- (a) The Owner or Property Agent of any rented residential structure, mobile home park, or other rented real estate upon which a residential structure is located shall maintain a current register containing the names of all persons legally occupying the rented residential structure, mobile home park, or other rented real estate, noting whether or not the person is an adult or a minor. The register shall be open to inspection and copying by the building official and any law enforcement officer at all times.
- (b) Whenever the building official, through third party complaint, personal inspection or other source, has reasonable ground to believe that a violation of the maximum occupancy restriction exist, he may demand that the Owner or Property Agent of any rented residential structure, mobile home park, or other rented real estate submit to him within 24 hours of such demand, on a form furnished by the building official, a sworn statement verifying the names of all persons occupying the property.

Section 4. Notice of Violation.

Upon the determination by the building official that a violation of the maximum occupancy restriction exists, he shall issue a written notice of violation to the Owner, Property Agent, occupant, or any one or more of them by hand delivery or first class mail. The notice shall state the determination that a violation of the maximum occupancy restriction exist and shall state a specific date by which such violation must be corrected, which date must be at least three (3) days after hand deliver or (6) days after mailing the notice. If the violation is not corrected by the specified date, all persons or entities given notice of violation as provided by this section shall be subject to penalty as provided herein.

Section 5. Penalty.

- (a) If a violation of this ordinance for which notice is required is not corrected by the date specified in a notice of violation issued in accordance with this ordinance, any person or entity given such notice of violation and convicted of such violation shall be punished as follows: a fine of \$500.00 or imprisonment for a period not

exceeding six months, or both, at the discretion of the court trying the case. Each day a violation continues after the date specified in the notice of violation shall constitute a separate offense.

Section 6.

All other ordinances or provisions of the Code of Ordinances, City of Albertville, Alabama, contrary to the provisions of this ordinance are hereby specified repealed.

Section 7.

The provisions of this ordinance are servable, and if any part of this ordinance are declared invalid or unconstitutional, that declaration shall not affect the remainder of this ordinance, which shall remain in full force and effect.

Section 8.

This ordinance shall become effective upon its passage and publication as required by law.

Adopted and approved this 23rd DAY OF June, 2008.

Pat Allen
Pat Allen, Council President

Attest:

Phyllis Webb
City Clerk

Approved by the Mayor this 23rd day of June, 2008.

Carl Pruett
Carl Pruett, Mayor

Attest:

Phyllis Webb
City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Albertville, Alabama, do hereby certify that the above and foregoing ORDINANCE No. **897-08** was duly ordained, adopted, and passed by the City Council of Albertville, Alabama as its regular meeting on the 23rd day of June, 2008.

Phyllis Webb
City Clerk

