

ORDINANCE NO. 2007-16

AN ORDINANCE TO LIMIT THE NUMBER OF OCCUPANTS IN RESIDENTIAL STRUCTURES

WHEREAS, the City of Center Point, 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 CENTER POINT, 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 in a residential structure which is regularly used for sleeping purposes (see 2003 IRC Section 304.3) 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 legal or equitable title to any residential structure or to the real estate upon which residential structure is located, with or without the right to immediate possession thereof, or (ii) who has the right to possession thereof 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 designed therefore.

### **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. This 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 exists, 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 by first class mail. The notice shall state the determination that a violation of the maximum occupancy restriction exists and shall state a specific date by which such violation must be corrected, which date must be at least three (3) days after hand delivery or six (6) days after mailing of the notice. If the violation is not corrected by the specified date, then all persons or entities given notice of violation as provided by this section shall be subject to penalty as provided herein.

### **Section 5. Penalty.**

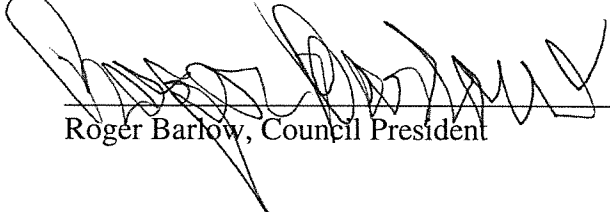
- (a) If a violation of this ordinance for which notice is required is not corrected by the date specified in a notice of violation issued in accordance with this ordinance, any person or entity given such notice of violation and convicted of such violation shall be punished as follows: a fine of \$500.00 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.
- (b) Any person or entity convicted of violating any other provision of this ordinance shall be punished as provided in Ordinance 2003-53 of the City of Center Point, Alabama.

**Section 6.** All other ordinances or provisions of the Code of Ordinances, City of Center Point, Alabama contrary to the provisions of this ordinance are hereby specifically repealed.

**Section 7.** The provisions of this ordinance are severable, and if any part of this ordinance is 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 or posting as required by law.

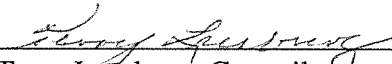
ADOPTED this 1<sup>st</sup> day of November, 2007.

  
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Roger Barlow, Council President


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Wink Chapman, Councilman


  
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Linda Kennemur, Councilwoman

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Raymond Olan, Councilman

  
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Terry Leesburg, Councilman

APPROVED this 2<sup>nd</sup> day of November, 2007.

Mayor   
\_\_\_\_\_  
Thomas E. Henderson

ATTEST   
\_\_\_\_\_  
Jackie Davidson, City Clerk

# CERTIFICATION

I, Jackie Davidson, City Clerk of the City of Center Point, Alabama do hereby  
Certify that the following is a true and correct copy of Ordinance Number 2007-16  
of the City of Center Point, Alabama, adopted on November 1, 2007,  
and posted in the following places:

Center Point City Hall

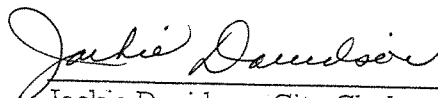
Center Point Fire District – Station 1

United States Post Office – Center Point Branch

Wal Mart Neighborhood Market

on November 9, 2007, and effective five days thereafter.

Given under my hand and seal this 9<sup>th</sup> day of November,  
2007.

  
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Jackie Davidson, City Clerk  
City of Center Point