

AN ORDINANCE OF THE CITY OF HAMILTON, ALABAMA,  
PROVIDING FOR THE REGISTRATION AND REGULATION  
OF RESIDENTIAL RENTAL PROPERTIES

WHEREAS, pursuant to Section 11-43-59 of the Alabama Code of 1975, as amended, the Mayor and City Council of the City of Hamilton, Alabama (the "Governing Authority"), has the authority to adopt any orders, resolutions, or ordinances with respect to the municipal affairs of the City of Hamilton, Alabama (the "City"), which are not inconsistent with the Alabama Constitution of 1901 or any other statute or law of the State; and

WHEREAS, pursuant to Section 11-43-59 et seq. of the Alabama Code of 1975, 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 insufficient protection against fire hazards; and

WHEREAS, if not remedied, the existence of such substandard residential rental structures and conditions will create dangerous living conditions; 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 said dangerous conditions and will preserve and enhance residential and nonresidential uses and neighborhoods and property values; and

WHEREAS, the City's Comprehensive Plan adopted on February 22, 2011, 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 CITY COUNCIL OF THE CITY OF HAMILTON, COUNTY OF MARION AS FOLLOWS:

**Section 1. This Ordinance shall be known as the Rental Properties Ordinance of the City of Hamilton.**

## Section 2. Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this chapter, shall have the following meanings:

**APARTMENT OR DWELLING** - Any apartment, cottage, bungalow or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, but not the entire building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment is designed for residence, office or the operation of any industry or business or any other type of independent use.

**BUILDING** - Any building or structure or part thereof used for human habitation, use or occupancy, and includes any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

**HOUSING AUTHORITY** - The Housing Authority of Hamilton is exempt from this Ordinance.

**RENTAL UNIT** - Any "apartment", "dwelling", "building", "dwelling unit", "habitable room" or "lodging unit", as defined by this chapter, regardless of the consideration for occupancy, including but not limited to money paid, services rendered, or accommodation incident to employment.

**Section 4. Smoke Detectors.** Each owner of an Apartment or Dwelling, building or Rental Unit shall be responsible to maintain at least one U.L. approved AC-powered smoke detector installed on each and every floor including any basement area of Apartment, Dwelling, Building or Rental Unit.

**Section 5. Annual Registration and License Required; Terms.** Each rental unit shall be registered and licensed annually. The license terms shall commence January 1 of each year and such registration shall be valid until December 31 of the next year at which time it shall expire and a new registration shall occur. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this chapter.

The license shall state a.) the permitted use and/or tenancy; b.) compliance with fire protection systems; c.) the names of the owner, lessor, lessee and/or tenant. Any use of the property in question or occupancy limitation violations taking place on the property not specifically authorized by the license shall be deemed a violation of this section and shall be subject to an immediate summons.

## Section 6. Inspections.

A. Each rental unit shall be inspected for compliance with this Ordinance at least a.) when deemed necessary by the municipal code enforcement office and b.) as otherwise necessitated by safety considerations, alleged violations and as otherwise required by this Chapter.

B. In the event that the inspection of a rental unit does not result in a Satisfactory determination, such property shall not thereafter be registered nor shall a license be issued, and the owner of the property or his agent shall not lease or rent such property nor shall any tenant occupy the property until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable codes and the property is thereafter subsequently registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days unless safety considerations, as determined by the

Code Enforcement Officer or designee, require immediate correction. If not made within that time period, the owner shall be deemed in violation of this chapter, and every day that the violation continues shall constitute a separate offense.

**Section 7. Prohibitions on Occupancy.** No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit within the City of Hamilton which is not registered and licensed in accordance with this chapter.

**Section 8. Issuance of License.** Upon the filing of a completed registration form and payment of the prescribed fee, the owner shall be entitled to the issuance of a license for the rental term commencing January 1 of the respective year in which said application was filed. A separate registration form shall be required for each rental and a license shall be issued to the owner for each individual unit, notwithstanding the existence of multi-rental-units on the same property. Each renewal for licensure shall be made and filed prior to the expiration of the rental license which occurs annually on December 31.

**Section 9. Access for Inspection.**

A. The Code Enforcement Officer, or designee are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boarding houses in order that they may promote the purposes of this ordinance to safeguard the health, safety, welfare of the occupants of rental facilities, rental units and rooming/boarding houses and of the general public. For the purposes of making such inspections, the Code Enforcement Officer or designee is hereby authorized to enter, examine and survey rental facilities, rental units, and rooming/boarding houses at all reasonable times. The owner or occupant of every rental facility, rental unit, and rooming/boarding house, shall give the Code Enforcement Officer or designee free access to the rental facility, rental unit, and rooming/boarding house at all reasonable times for the purpose of such inspections, examinations and surveys.

EB. Every occupant shall give the owner of the rental facility, rental unit and rooming/boarding house access to any part of such rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or any lawful order issued pursuant thereto.

C. Within ten (10) days of the receipt of the Complaint alleging a reported violation of this ordinance, a Code Enforcement Officer or designee shall conduct an inspection as hereinbefore provided.

**Section 10. Violations.** In addition to any remedy stated above, any person who violates any provision of this Ordinance shall, upon conviction in the Municipal Court of the City of Hamilton be liable for a minimum fine of \$100 and a maximum fine not to exceed \$1,000 or imprisonment or community service not exceeding 90 days, or any combination thereof. Each day that the violation occurs shall be considered a separate and distinct violation subject to the penalty provisions of this Chapter.

Introduced: February 22, 2011

Adopted: February 22, 2011

Mayor and City Council of the  
City of Hamilton, County of Marion,  
State of Alabama

By:

J. Robert Holiday, Mayor

ATTEST:

Jan Williams, City Clerk