ORDINANCE NO. 11-O-34

AN ORDINANCE AMENDING SECTIONS 13.5, 13.7 AND 13.10 OF THE RESIDENTIAL HEALTH AND SAFETY PROPERTY INSPECTION POLICY

WHEREAS, the City Council of the City of Anniston, Alabama considers its residential and commercial property to be an asset that is vital to Anniston's economy and quality of life; and

WHEREAS, the City of Anniston has previously adopt an ordinance to provide for the safety and to preserve the health of persons residing in rental housing and to enhance the sustainability of our neighborhoods and the associated benefits to surrounding property owners;

NOW, THEREFORE, **be it ordained** by the City Council of the City of Anniston, Alabama that Chapter 11, Article III, Section 13.5 be and is hereby amended to read as follows:

Sec. 13.5 Purpose.
The purpose of this Article is to implement the policy of the City Council to encourage landlords and tenants to maintain and improve the quality and appearance of rental housing in the city and to protect the health and safety of persons. Tenants and Landlords shall at all times adhere to the terms of Act 2006-316, as amended, known as the Landlord Tenant Act. Failure to adhere to the provisions of said law is considered a violation of this Article subject to penalties in Sec. 13.10.

Be it further ordained by the City Council of the City of Anniston, Alabama that Section 13.7 be and is hereby amended to read as follows:

Sec. 13.7 Certificate of Occupancy Required
All rental-housing units which are or which become vacant after July 1, 2010 must be inspected for compliance with the city's adopted property maintenance codes and a *Certificate of Occupancy* issued, if such unit is found to be so by the housing official, prior to occupancy by a new tenant.

(1) The *Certificate of Occupancy* is valid for twelve (12) months from the date of issue, or is valid until the dwelling becomes vacant following the expiration date. A change of tenancy may occur in a rental unit more than once during the twelve (12) month period without the need for another inspection.
(2) If, upon inspection of a residential rental-housing unit, the housing official determines that the unit is in violation of any property maintenance code and informs the owner of the violations, no *Certificate of Occupancy* may be issued until the unit is brought into compliance with the code provisions cited.

Be it Further ordained by the City Council of the City of Anniston, Alabama that Section 13.10 be and is hereby amended to read as follows:

Sec. 13.10 Enforcement and Penalties
(1) Any person violating any provision of this article shall, upon conviction, be punished by a fine of not less than $100 nor more than $500. Further, *Certificates of Occupancy* shall be withdrawn or withheld for noncompliance of the unit with the International Property

Maintenance Code (2009 Edition) and the landlord cited for violation according to provisions of Section 11-45-9 of the Code of Alabama.

(2) Both the Housing Official and the landlord shall report apparent incidents of Criminal Damage to Property as defined in Section 13A-7-20 of the Code of Alabama to the proper authority.

(3) A tenant's non-compliance with a rental agreement, failure to pay the amount of rent due, failure to maintain the premises, or abandonment of the unit as defined by Sections 35-9A-421 through 423 of the Code of Alabama is a serious violation of this Article. The Housing Official shall report the whereabouts of violators, when known, to the proper authority for adjudication.

Be it further ordained by the City Council of the City of Anniston, Alabama that the provisions of this ordinance are severable so that if any provision is declared unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the validity of any other provision. The Council declares it is its intent that it would have adopted this ordinance without such invalid or unconstitutional provision.

Be it further ordained by the City Council of the City of Anniston, Alabama that the provisions of this ordinance shall be effective upon publication according to law.

PASSED AND ADOPTED THIS 27th DAY OF December, 2011

BY THE CITY COUNCIL OF THE
CITY OF ANNISTON, ALABAMA

By Gene D. Robinson
Gene D. Robinson, Mayor

By _____
John D.R. Spain, Council Member

By Herbert N. Palmore
Herbert N. Palmore, Council Member

By nay
Benjamin L. Little, Council Member

By M. David Dawson
M. David Dawson, Council Member

ATTEST:

Alan B. Atkinson
Alan B. Atkinson, City Clerk