

Ordinance No. 2009 --

**ORDINANCE AMENDING SECTION 74 OFFENSES AND MISCELLANEOUS PROVISIONS,
OF THE CODE OF ORDINANCES OF THE CITY OF OXFORD, MISSISSIPPI**

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD,
MISSISSIPPI AS FOLLOWS:**

SECTION I. That Section 74 Offenses and Miscellaneous Provision,, of the Code of Ordinances, Oxford Mississippi, is hereby amended to read as follows:

74-11 Unrelated Persons Occupancy Restrictions. Homes in certain zoning districts of the City of Oxford are designated for occupancy by a single family. However, this Section does not preclude enforcement of any occupancy regulations in zoning districts other than those listed in (b) below.

(a) Definitions.

- (i) For purposes of this section, the definition of a "family" is the same as the definition of that term contained in the City of Oxford Land Development Code (see Section 117.66), that is, one or more persons who are related by blood, adoption, marriage, or foster care living together and occupying a single house-keeping unit with single culinary facilities, or a group of not more than three persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost sharing basis. Any household employees residing on the premises shall not be considered as a separate family for purposes of this definition.
- (ii) The terms "occupancy" or "occupy" shall mean the use of a dwelling unit or portion thereof for living, sleeping, and cooking or eating purposes.
- (iii) To the extent necessary, this section adopts all definitions set forth in the City of Oxford Land Development Code.

(b) Limited Number of Unrelated Individuals. All dwelling units located in (A) Agricultural District, (C-E) Country Estate District, (R-E) Residential Estate District, (R-A) Single-Family Residential District, (R-1A) Single Family Residential District, and areas of Planned Unit Developments (PUDs) developed as single-family residential subdivisions shall be restricted to occupancy by a family as defined in subsection (a) above. No person who is not part of such a family may occupy any such dwelling unit.

(c) Prima facie proof of occupancy of a dwelling unit by more than three unrelated persons is established in any prosecution for violation of this section if it is shown that the same four or more vehicles with registration to persons having different surnames or addresses were parked overnight at the dwelling unit a majority of nights in any 14 day period. This establishment of a prima facie level of proof in this subsection does not preclude a showing of "occupancy" of a dwelling unit by a person in any other manner.

(d) It shall also be a violation of this section for any owner, occupant, or lessee of any dwelling unit described in subsection (b) above to permit or fail to prohibit the occupancy of such dwelling unit by more than three unrelated persons.

(e) The City of Oxford's Code Enforcement Officer shall enforce this section as follows:

- (i) When a complaint is received by the Building Official, the Code Enforcement Officer shall initiate an investigation to determine if a violation may exist. This investigation shall be completed within forty five (45) days of the complaint.
- (ii) If the Code Enforcement Officer determines there are more than three unrelated people residing in any dwelling unit described in subsection (b) above, the Code Enforcement Officer shall contact all identifiable property owners and occupants by certified mail and request voluntary compliance.
- (iii) If compliance is not achieved in a reasonable amount of time, the Code Enforcement Officer shall again contact all identifiable property owners and occupants by certified mail and inform all such parties that they have 30 days from the date of the certified letter to comply with the restrictions or municipal court citations may be issued.
- (iv) No municipal court citation shall be issued unless and until the procedures described above have been followed.

(f) For each violation of this section, each owner, occupant, or lessee of a single-family dwelling shall be subject to a fine not to exceed three hundred dollars (\$300.00) for each violation. Each day during which any violation of this section shall continue shall constitute a separate offense.

SECTION II. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

SECTION III. EFFECTIVE DATE

All ordinances shall take effect and be in force as provided by law.

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting or the governing authorities of the City of Oxford Mississippi on motion of Alderman _____, seconded by Alderman _____, and the roll being called, the same by the following votes:

Alderman Williams	voted
Alderman Oliver	voted
Alderman Antonow	voted
Alderman Howell	voted
Alderman Taylor	voted
Alderman Mayo	voted
Alderman Morgan	voted

APPROVED, this day the _____ of _____, 2009

 GEORGE G. PATTERSON, MAYOR

 LISA D. CARWYLE, CITY CLERK