

## **Ordinance to Prevent Excessive Occupancy in Residential Dwellings Located Within the City of Byram, Mississippi**

WHEREAS, over-occupancy of residential dwelling units creates health and safety dangers to home occupants and their neighbors. These dangers include fire hazards, spread of disease to occupants and the general population, an opportunity for domestic violence and abuse, effects to mental health, and other adverse impacts on the peace, comfort, and safety of residents; and

WHEREAS, to protect against these dangers, the City has established regulations limiting the number of occupants in a residence; and

WHEREAS, these regulations are intended to ensure a good living environment in residential neighborhoods and reduce vehicle congestion and noise; and

WHEREAS, to protect the health, safety, and welfare of the citizens of the City of Byram, the Mayor and Board of Alderman find the adoption of limitations of excessive occupancy based on the size of the dwelling, the size and number of bedrooms, the relationship of the residents, and fire safety standards, in residential dwellings within the City is required.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Aldermen of the City of Byram as follows:

The following provisions shall be applicable to all dwelling units, housekeeping units, rooming units and dormitory units within the City of Byram

**1.1 Privacy.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**2.2 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter-fronts and appliances or counter-fronts and walls.

**3.3 Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

### **Exceptions:**

1. In one-and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one-and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet

(1524 mm) or more shall be included.

**4.4 Bedroom and living room requirements.** Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**4.4.1 Room Area.** Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>).

**4.4.2 Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

**Exception:** Units that contain fewer than two bedrooms.

**4.4.3 Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**4.4 Bedroom and living room requirements.** Every bedroom and living room shall comply with the requirements of Sections 4.4.1 through 4.4.5.

**4.4.1 Room Area.** Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>).

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**Exception:** Units that contain fewer than two bedrooms.

**4.4.3 Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**4.4.4 Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.

**4.4.5 Other requirements.** Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter. Each shall have adequate the plumbing facilities and water-heating facilities, the heating facilities and electrical receptacles.

**4.5 Overcrowding.** The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants and/or neighbors.

**4.5.1 Purpose.** The purpose of the requirements of this ordinance is to assure public health, and safety, and welfare by regulating the number of persons who may occupy residential premises. The limitations of this ordinance shall apply to all persons without regard to race, color, religion, sex, national origin, handicap or familial status.

**4.5.2 Occupancy Limits.** Except for efficiency units all dwelling units will be presumed overcrowded under the provisions of Section 4.5 of this ordinance which does not have a total of 300 square feet (heated and cooled) for the first occupant and 200 square feet (heated and cooled) for each additional occupant.

**4.5.3 Occupancy Adjustment.** On application of the owner of said property, this requirement may be reduced to allow higher occupancy on a showing that a greater occupancy will not endanger the life, health, safety or welfare of the occupants and/or neighbors. Factors which shall be considered by the code official in making such a determination are as follows:

1. The age of the occupants. It is anticipated that younger occupants may be shown to require less space and may create less intense demands on dwelling units related to sanitation facilities, bedroom sizes and other factors which potentially endanger the life, health, safety and welfare of the occupants of a dwelling.
2. The number and location of bathroom facilities within a unit.
3. The size and number of bedrooms.
4. The capacity of spaces suitable for the storing, preparation and serving foods in a sanitary manner.
5. Any special provisions made for ingress and egress into the dwelling above and beyond the minimums required by the building and fire codes.
6. The facilities and services available for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
7. Reasonable accommodation is required to be in compliance with the rights of any persons or groups of persons federally protected rights and that adequate provision are made to protect such person's or persons' life, health, safety or welfare.
8. Any other factor which would establish that the life, health and safety of the occupants of such a structure would not be endangered.

An adjustment shall be granted only if an affirmative determination is made that the characteristics of the occupancy as related to the particular structure for which the adjustment is sought justify a deviation from the provisions of Section 4.5.2 of this ordinance. Any such adjustment shall be subject to review on an annual basis and the adjustment shall terminate when the present occupants vacate the premises.

**4.5.4 Responsibility.** Any owner and/or occupant of a property which is occupied by more persons than permitted under this ordinance shall be deemed to be in violation of this ordinance.

**4.5.5 Other Codes and Ordinances.** Nothing contained herein shall allow occupancy greater than any other code or ordinance adopted by the City of Byram, Mississippi.

#### **404.5.6 Fire Safety Requirements for Bedrooms**

- 1) Two means of egress must be available from a bedroom, with one being a door or window leading directly to the exterior.
- 2) A window exit must have a width of at least 20 inches, a height of at least 24 inches, and a clear opening of at least 5.7 square feet in area. A window sill may be a maximum of 44

inches above the floor.

- 3) An exit must not lead through another sleeping area or a bathroom.
- 4) Sleeping rooms must have smoke detectors.

**4.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to the code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

**Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

This ordinance shall be effective 30 days from and after passage.

The foregoing Ordinance, having been reduced to writing, Alderman Marble moved that said Ordinance be adopted. Alderman White seconded. The vote was as follows:

Alderman Alday voted:	<u>  nay  </u>
Alderman Douglas voted:	<u>  aye  </u>
Alderman Ford voted:	<u> absent </u>
Alderman Marble voted:	<u>  aye  </u>
Alderman White voted:	<u>  aye  </u>
Mayor Tremonte voted	

Whereupon the Mayor declared the Motion carried and the ordinance approved and adopted.

SO ORDAINED, The foregoing ordinance was approved this the 12th day of April, 2012.

CITY OF BYRAM

By/S: NICK TREMONTE, Mayor

ATTEST: By/s: ANGELA RICHBURG, City Clerk