

Chapter 5 - BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES¹¹

Footnotes:

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Cross reference— Placing building materials near fire hydrants, § 9-6; creation of noise in building operation, § 10-5(b)(11); applicability of technical codes in mobile home parks, App. A, § 5.6; issuance of building permit conditioned on compliance with sanitary sewer regulations, § 12-25.

ARTICLE I. - IN GENERAL

Sec. 5-1. - Codes inspector—Keeping office; records; reports; making inspections when notified.

The codes inspector shall keep an office in the city hall, where it shall be such inspector's duty to keep a record of all permits required, which shall be regularly numbered in the order of their issue, with a record of the statements upon which such permits are issued. The codes inspector shall keep a record of and shall report to the council as requested a full and complete register of the number, description and size of every building erected in the city during that year, and of what materials constructed, with the aggregate of the number and cost of all buildings. The codes inspector shall, when served with a notice requesting such inspector to so do, inspect any building in process of erection or construction within twenty-four (24) hours after such notice is served.

(Code 1962, § 56)

Sec. 5-2. - Same—Inspections during construction to ensure compliance.

- (a) It shall be the duty of the codes inspector to inspect any building which may be in the course of erection, construction or alteration within the limits of the city, to see that such building is being erected, constructed or altered according to the provisions of this chapter and all ordinances in force in the city and to see that the proper plans are adopted for the security thereof against fires and for the safety of the occupants, that the materials used are suitable for the purpose, and that the work is done in a substantial and workmanlike manner and is of sufficient strength and solidity to answer the purposes for which it is designed.
- (b) It shall be the inspector's duty to examine the trenches dug for the foundation, before the foundations are laid, and to be fully satisfied that the soil or substratum is sufficient for the structure.

(Code 1962, § 57)

Sec. 5-3. - Same—Repetition of inspections.

Where it is deemed necessary by the codes inspector, such inspector's inspections shall be repeated from time to time during the erection, construction or alteration of any building until the same shall have been completed. The inspector shall also, on application for that purpose, furnish the owner or contractor a certificate that the building is in all respects conformable to law and properly constructed, when such is true.

(Code 1962, § 58)

Sec. 5-4. - Mobile homes parked outside of mobile home parks.

- (a) It shall be unlawful, within the limits of the city, for any person to park any mobile home, as such term is defined in section 5.61(b) of the zoning ordinance (Appendix A herein), on any street or other public place, or on any tract of land owned by any person, occupied or unoccupied, within the city except as provided in this section.
- (b) It shall be unlawful for any person to park any mobile home on any public street in the city for any period of time longer than that allowed for the parking of automobiles upon such street by the ordinances or regulations of the city, or in any event, for more than one (1) hour.
- (c) No person shall park or occupy any mobile home for more than a total of four (4) days, whether consecutive or not, during any six-month period on any lot or parcel of land within the city outside a duly permitted mobile home park, unless such mobile home conforms to, and complies with, all plumbing, electrical, sanitary and building ordinances of the city applicable to stationary dwellings; provided, however, that the parking of only one (1) unoccupied mobile home in an accessory private garage building, or in a rear yard in any district, shall be permitted provided no living quarters shall be maintained therein while such mobile home is so parked or stored. The codes inspector is specially charged with enforcement of this subsection.

(Code 1962, § 627)

Cross reference— Mobile home park regulations, App. A, § 5.6 et seq.

Sec. 5-5. - Enforcement of various standard codes.

Within various standard codes, when reference is made to the duties of certain officials named therein, those designated officials in the City of Citronelle who have duties relating to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned.

(Ord. No. 1150, § 3, 5-27-99)

Secs. 5-6—5-19. - Reserved.

ARTICLE II. - BUILDING CODE

Sec. 5-20. - Code adopted.

The building code which has been and is on file in the office of the city clerk, being the International Building Code, 2009 edition, and subject to amendments and more stringent or additional requirements contained herein, is hereby adopted as the building code of the city.

(Ord. No. 1088, § 1, 5-10-90; Ord. No. 1124, § 1, 9-9-94; Ord. No. 1150, §§ 1, 2, 5-27-99; Ord. No. 1161, § 1, 6-28-01; Ord. No. 1249, §§ 1, 2, 8-3-10; Ord. No. 1284, § 1, 8-8-13)

Cross reference— Enforcement of various standard codes, § 5-5.

Sec. 5-21. - Amendments to code.

The building code, hereinabove adopted, is amended as follows:

Section 101.4 of the building code is hereby amended to read as follows:

"(a) There is hereby established the office of codes inspector, which office may be filled by appointment by the appropriate appointing authority of the city of a qualified inspector and

whose duties shall be to inspect and pass on plans and specifications and construction thereunder to determine that the same comply with the standards as established in the building code and other codes adopted in this chapter. The codes inspector may issue directives or instructions forbidding construction under plans not in accord with the building code or any other code adopted in this chapter and may also require the removal of any improper construction or building. The codes inspector herein provided for shall have and exercise the powers and duties given to the building official and other enforcement officials in the codes adopted in this chapter.

(b) The appropriate appointing authority of the city may appoint an assistant codes inspector, and when so appointed, such assistant codes inspector shall have the same authority, powers, duties and responsibilities as shall have been imposed on the codes inspector, subject to the superintendence of the codes inspector.

(c) The codes inspector shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection."

Section 105.1 of the building code is hereby amended to read as follows:

"(a) The city council shall be and act as the board of adjustments and appeals.

(b) Four (4) members of the board shall constitute a quorum. In varying the application of any provision of this code or in modifying an order of the codes inspector, affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. No board member shall act in a case in which such member has a personal interest.

(c) The codes inspector shall act as secretary of the board of adjustments and appeals and as such shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(d) The board may establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within ten (10) days after notice of appeal has been received."

Section A107 of the building code is hereby amended to read as follows:

"Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or who shall cause to be erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted or approved thereunder, shall be guilty of an offense against the city and upon conviction shall be punished as provided in section 1-8 of the Code of Ordinances. Each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this code is committed or continued."

Section K101 of the building code is amended to read as follows:

"(1) *General:* For all construction, whether residential or commercial a permit fee of four dollars and twenty-five cents (\$4.25) per one thousand dollars (\$1,000.00) of estimated value shall be applied. An additional charge shall be made at the rate of two dollars (\$2.00) per external outlet for gas, electrical and plumbing outlets. The estimation of value shall be determined as follows:

Residential construction (frame, brick, etc.)	\$10.00 per sq. ft. living area 5.00 per sq. ft. carports, patios, garages & porches
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Example:

1,000 sq. ft. living area × \$10.00 = \$10,000.00

200 sq. ft. carport × \$5.00 = \$1,000.00

200 sq. ft. patio × \$5.00 = \$1,000.00

Total value = \$12,000.00

*Assuming one each external outlet for gas, electrical and plumbing, the permit cost would be:

\$12,000.00 × \$4.25 per 1,000 value + \$6.00 (outlet charge) = \$57.00 permit cost

Commercial buildings:

Same as above except \$20.00 sq. ft. or the contractor price whichever is the greater.

- (2) *Open air buildings:* Permit fees for commercial open air buildings such as pavilions and other such structures that are not fully enclosed are to pay a permit fee of ten dollars (\$10.00) per square foot (one-half (½) the normal commercial rate). The determination as to whether the proposed construction meets the criteria for commercial open air construction permitting is to be made solely by the city.
- (3) *Roofing inspection:* There is hereby established a fee for the inspection of the roofing of new construction or the reroofing of existing construction, whether it be commercial or residential, so as to assure that the roofing is in accordance with the building code, such fee to be calculated as follows: seven dollars and fifty cents (\$7.50) residential, ten dollars (\$10.00) commercial.
- (4) *Drawings; contractor requirements:* In the case of residential or commercial construction the contractor shall furnish drawings such that a determination can be made as to the square footage under construction and shall be required to show such receipts for utility connections as may be required by the city. Further, the contractor must be licensed in the city. It is understood that the square footage of the construction area used to determine the estimation of value will be calculated from drawings submitted by the contractor, and the city will have the option to increase the building permit fee if it is determined that the actual construction exceeds or varies in any extent from the blue print and drawing submitted for the original estimation. When the permit is issued, the city will have the right to issue a building inspection card to the contractor and to require the contractor to post such card in a visible location at the building site. The city will have the right to make any and all reasonable demands upon any contractor of a residential or commercial site which will reasonably assist the city in seeing that this chapter is in all respects complied with."

(Ord. No. 1024, §§ I, II, 8-27-81; Ord. No. 1040, 10-13-83; Ord. No. 1058, § 2, 8-27-87; Ord. No. 1078, 4-13-89)

Secs. 5-22—5-29. - Reserved.

ARTICLE III. - ELECTRICAL CODE

Sec. 5-30. - Code adopted.

The electrical code which has been and is on file in the office of the city clerk, being the Electrical Code NFPA70, and subject to amendments and more stringent or additional requirements contained herein, is hereby adopted as the electrical code of the city.

(Ord. No. 1088, § 1, 5-10-90; Ord. No. 1124, § 1, 9-9-94; Ord. No. 1138, § 1, 4-24-97; Ord. No. 1150, §§ 1, 2, 5-27-99; Ord. No. 1284, § 1, 8-8-13)

Cross reference— Enforcement of various standard codes, § 5-5.

Sec. 5-31. - Board of adjustments and appeals.

- (a) The city council shall be and act as the board of adjustments and appeals.
- (b) Four (4) members of the board shall constitute a quorum. In varying the application of any provision of the electrical code or in modifying an order of the municipal official charged with the duty of enforcing such code, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. No board member shall act in a case in which such member has a personal interest.
- (c) A municipal official shall act as secretary of the board of adjustments and appeals and as such shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.
- (d) The board may establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within ten (10) days after notice of appeal has been received.

(Ord. No. 1059, § 2, 8-27-87)

Sec. 5-32. - Punishment for violation of code.

Any person who shall violate or cause to be violated any provision of the electrical code, or fail to comply therewith, or with any of the requirements thereof, or who shall perform or cause to be performed any act in violation of a detailed statement or drawing submitted or approved thereunder, or who shall violate or cause to be violated any lawful order of the municipal official charged with the duty of enforcing such code, shall be guilty of an offense against the city and upon conviction shall be punished as provided in section 1-8 of the Code of Ordinances. Each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of the electrical code is committed or continued.

(Ord. No. 1059, § 3, 8-27-87)

Sec. 5-33. - Electrical permit or inspection.

The electrical permit or inspection fees shall be as follows:

<i>Outlets</i>	<i>Amount</i>
1—3	\$ 2.00

4—10	3.75
11—15	4.50
16—24	5.25
25—50	10.00
51—75	15.00
76—100	20.00
Over 100	20.00
Plus \$0.20 for each one outlet over 100	
Fixtures	0.25

<i>Motor Inspection Fees Horsepower</i>	<i>Amount</i>
Up to 1 hp, each	\$ 2.00
1½ to 3 hp, each	2.25
4 to 10 hp, each	3.50
11 to 20 hp, each	4.75
21 to 30 hp, each	5.50
31 to 50 hp, each	6.25
51 to 100 hp, each	7.00
Above 100 hp	7.00

Plus \$0.10 per each hp over 100	
Range	4.00
Water heater	3.50
Dryer	3.50
Repairs	2.00
Welding machine receptacle	4.00

Each generator—use motor schedule and add \$1.50

Each service—\$5.00

Air conditioning units, central and window, up to three (3) tons' capacity, \$3.00 and on larger unit's fees in accordance with the motor inspection fee schedule.

Other current consuming devices to be charged for as motors (multiplying amperes by voltage and reducing to horsepower by dividing by 746 watts).

Sign connection fee—\$2.00

Shop inspection fee—\$2.00 per transformer or ballast plus any incandescent lamps to be charged for as per the horsepower schedule.

For inspecting a nonresidential or commercial installation—\$10.00

For inspecting a residential system—\$5.00

Temporary service—\$2.00

Fees for late permits: Any person failing to obtain an electrical permit prior to the commencement of work shall be required to then pay for such permit an amount equal to double the amount for the same permit had it been obtained prior to the commencement; provided, however, that the provisions hereof shall not apply when the work must be done immediately because of an emergency, in which event the owner or electrical contractor shall telephone the office of the codes inspector and report the emergency and the extent of the work to be done and then obtain the electrical permit within the next twenty-four (24) hours or, if the office of the inspector is not open for business, then the owner or electrical contractor shall obtain the electrical permit within the next forty-eight (48) hours immediately following the beginning of the work.

(Ord. No. 1033, § 2, 8-17-82)

Secs. 5-34—5-39. - Reserved.

ARTICLE IV. - HOUSING CODE

Sec. 5-40. - Code adopted.

The housing code which has been and is on file in the office of the city clerk, being the Standard Housing Code, 1988 edition, with 1989 revision and subject to amendments and more stringent or additional requirements contained herein, is hereby adopted as the housing code of the city.

(Ord. No. 1088, § 1, 5-10-90)

Sec. 5-41. - Amendments to code.

The housing code, hereinabove adopted, is amended as follows:

Section 106 of the housing code is hereby amended to read as follows:

"(a) The city council shall be and act as the board of adjustments and appeals.

(b) Four (4) members of the board shall constitute a quorum. In varying the application of any provision of this code or in modifying an order of the codes inspector, affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. No board member shall act in a case in which such member has a personal interest.

(c) The codes inspector shall act as secretary of the board of adjustments and appeals and as such shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(d) The board may establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within ten (10) days after notice of appeal has been received."

Section 108 of the housing code is hereby amended to read as follows:

"Any person who shall violate or cause to be violated a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall own, erect, construct, alter, demolish or move any structure, or who shall cause to be erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted or approved thereunder, shall be guilty of an offense against the city and upon conviction shall be punished as provided in section 1-8 of the Code of Ordinances. Each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this code is committed or continued."

Secs. 5-42—5-49. - Reserved.

ARTICLE V. - MECHANICAL CODE; GAS CODE

Sec. 5-50. - Mechanical code—Adopted.

The mechanical code which has been and is on file in the office of the city clerk, being the International Mechanical Code, 2009 edition, subject to amendments and more stringent or additional requirements contained herein, is hereby adopted as the mechanical code of the city.

(Ord. No. 1088, § 1, 5-10-90; Ord. No. 1124, § 1, 9-9-94; Ord. No. 1150, §§ 1, 2, 5-27-99; Ord. No. 1161, § 1, 6-28-01; Ord. No. 1249, §§ 1, 2, 8-3-10; Ord. No. 1284, § 1, 8-8-13)

Cross reference— Enforcement of various standard codes, § 5-5.

Sec. 5-51. - Same—Amendments to code.

The mechanical code, hereinabove adopted, is hereby amended as follows:

Section 105.1 of the mechanical code is amended to read as follows:

"(a) The city council shall be and act as the board of adjustments and appeals.

(b) Four (4) members of the board shall constitute a quorum. In varying the application of any provision of this code or in modifying an order of the municipal official charged with the duty of enforcing this code, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. No board member shall act in a case in which he has a personal interest.

(c) A municipal official shall act as secretary of the board of adjustments and appeals and as such shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(d) The board may establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within ten (10) days after notice of appeal has been received."

Section A107 of the mechanical code is amended to read as follows:

"Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall perform or cause to be performed any act in violation of a detailed statement or drawing submitted or approved thereunder, or who shall violate or cause to be violated any lawful order of the municipal official charged with the duty of enforcing this code, shall be guilty of an offense against the city and upon conviction shall be punished as provided in section 1-8 of the Code of Ordinances. Each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this code is committed or continued."

Section C101 (Permit fees) of the mechanical code is amended to read as provided in the appropriate portions of section 5-61.

(Ord. No. 1057, §§ 2, 3, 8-27-87; Ord. No. 1062, § 1, 10-22-87)

Sec. 5-52. - Gas code—Adopted.

Pursuant to the authority granted the city by Code of Ala. 1975, § 11-45-8(c), allowing for the adoption of rules and regulations which have been printed as a code in book or pamphlet form for the installation, alteration, repair, and maintenance of gas, gas fixture, gas appliances, gas lines, gas piping and the like, it is therefore ordained by the city council that the International Fuel Gas Code, 2009 edition, with Appendix B Fines and Permits, is declared to be the code of the city setting forth the rules and regulations of the city governing the installation, alteration, repair and maintenance of gas, gas fixture, gas appliances, gas lines, gas piping and the like, within the city limits and police jurisdiction of the city.

(Ord. No. 1091, § 1, 11-8-90; Ord. No. 1124, § 1, 9-9-94; Ord. No. 1150, §§ 1, 2, 5-27-99; Ord. No. 1161, § 1, 6-28-01; Ord. No. 1249, §§ 1, 2, 8-3-10; Ord. No. 1284, § 1, 8-8-13)

Cross reference— Enforcement of various standard codes, § 5-5.

Sec. 5-53. - Same—Permit and inspection fees.

- (a) Fees for the issuance of permits and for the conducting of inspections required by the heretofore adopted rules and regulations shall be as follows:
- (1) For issuing each permit, a fee of five dollars (\$5.00) will be charged;
 - (2) The total fees for inspection of consumer's gas piping at one (1) location (including both rough and final piping inspection) shall be five dollars (\$5.00) for one (1) unit and one dollar (\$1.00) for each additional unit;
 - (3) The fees for inspecting conversion burners, floor furnaces, incinerators, boilers, or central heating or air conditioning units shall be five dollars (\$5.00) for one (1) unit and one dollar (\$1.00) for each additional unit;
 - (4) The fee for inspecting vented wall furnaces and water heaters shall be two dollars and fifty cents (\$2.50) for one (1) unit and one dollar (\$1.00) for each additional unit;
 - (5) If a reinspection is required, an additional fee of five dollars (\$5.00) will be charged;
 - (6) If any person commences any work before obtaining the necessary permit and inspection, fees shall be doubled.
- (b) All fees shall be paid by the person to whom the permit is issued.

(Ord. No. 1091, § 2, 11-8-90)

Secs. 5-54—5-59. - Reserved.

ARTICLE VI. - PLUMBING CODE

Sec. 5-60. - Code adopted.

The plumbing code which has been and is on file in the office of the city clerk, being the International Plumbing Code, 2009 edition, subject to all amendments and more stringent or additional provisions contained herein, is hereby adopted as the plumbing code of the city.

(Ord. No. 1088, § 1, 5-10-90; Ord. No. 1124, § 1, 9-9-94; Ord. No. 1150, §§ 1, 2, 5-27-99; Ord. No. 1161, § 1, 6-28-01; Ord. No. 1164, 4-25-02; Ord. No. 1249, §§ 1, 2, 8-3-10; Ord. No. 1284, § 1, 8-8-13)

Cross reference— Enforcement of various standard codes, § 5-5.

Sec. 5-61. - Amendments to code.

The plumbing code, hereinabove adopted, is hereby amended as follows:

Section 105.1 of the plumbing code is amended to read as follows:

"(a) The city council shall be and act as the board of adjustments and appeals.

(b) Four (4) members of the board shall constitute a quorum. In varying the application of any provision of this code or in modifying an order of the municipal official charged with the duty of enforcing this code, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. No board member shall act in a case in which such member has a personal interest.

(c) A municipal official shall act as secretary of the board of adjustments and appeals and as such shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(d) The board may establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within ten (10) days after notice of appeal has been received."

Section A107 of the plumbing code is amended to read as follows:

"Any person who shall violate or cause to be violated a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall perform or cause to be performed any act in violation of a detailed statement or drawing submitted or approved thereunder, or who shall violate or cause to be violated any lawful order of the municipal official charged with the duty of enforcing this code, shall be guilty of an offense against the city and upon conviction shall be punished as provided in section 1-8 of the Code of Ordinances. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued."

Appendix H of the plumbing code is amended to read as follows:

Permit fees:

Initial fee:	
For issuing each permit	\$10.00

Additional fees:

Fee for inspecting heating, ventilating, ductwork, air conditioning and refrigeration systems shall be \$10.00 for the first \$1,000.00, or fraction thereof, of valuation of the installation plus \$2.00 for each additional \$1,000.00 or fraction thereof.

Fee for inspecting repairs, alterations and additions to an existing system shall be \$5.00 plus \$2.00 for each \$1,000.00 or fraction thereof.

Fee for inspecting boilers (based upon Btu input):

33,000 Btu (1BHp) to 165,000 (5BHp)	\$ 5.00
165,001 Btu (5BHp) to 330,000 (10BHp)	10.00
330,001 Btu (10BHp) to 1,165,000 (52BHp)	15.00
1,165,001 Btu (52BHp) to 3,300,000 (98BHp)	25.00
over 3,300,000 Btu	35.00

Fee for reinspection:

In case it becomes necessary to make a reinspection of a heating, ventilation, air conditioning or refrigeration system or boiler installation, the installer of such equipment shall pay a reinspection fee of \$5.00.

Temporary operation inspection fee:

When preliminary inspection is requested for purposes of permitting temporary operation of a heating, ventilating, refrigeration or air conditioning system, or portion thereof, a fee of \$5.00 shall be paid by the contractor requesting such preliminary inspection. If the system is not approved for temporary operation on the first preliminary inspection, the usual reinspection fee shall be charged for each subsequent preliminary inspection for such purpose.

Self-contained units less than two tons:

In all buildings, except one- and two-family dwellings, where self-contained air conditioning units of less than two (2) tons are to be installed, the fee charged shall be that for the total cost of all units combined (see "Additional fees" above for rate).

(Ord. No. 1056, § 4, 8-27-87; Ord. No. 1062, §§ 1—3, 10-22-87)

Secs. 5-62—5-69. - Reserved.

ARTICLE VII. - FLOOD DAMAGE PREVENTION²¹

Footnotes:

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Editor's note— Ord. No. 1237, adopted June 11, 2009, rescinded Ord. No. 1063, adopted Nov. 30, 1987, from which art. VII, §§ 5-70—5-86, 5-90—5-94 derived. Said Ord. No. 1237 enacted new provisions to read as herein codified.

Cross reference— Flood hazard districts, App. A, § 2.5.

DIVISION 1. - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Sec. 5-70. - Statutory authorization.

The Legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1—24, Chapter 45, Sections 1-1-1, Chapter 52, Sections 1—84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of Citronelle Alabama, does ordain as follows.

(Ord. No. 1237, art. 1, § A, 6-11-09)

Sec. 5-71. - Findings of fact.

- (1) The flood hazard areas of Citronelle, Alabama, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(Ord. No. 1237, art. 1, § B, 6-11-09)

Sec. 5-72. - Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
- (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.

(Ord. No. 1237, art. 1, § C, 6-11-09)

Sec. 5-73. - Objectives.

The objectives of this article are:

- (1) To protect human life and health;
- (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas;
- (4) To minimize expenditure of public money for costly flood control projects;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions; and
- (7) To insure that potential home buyers are notified that property is in a flood area.

(Ord. No. 1237, art. 1, § D, 6-11-09)

DIVISION 2. - GENERAL PROVISIONS

Sec. 5-74. - Lands to which this article applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of Citronelle, Alabama.

(Ord. No. 1237, art. 2, § A, 6-11-09)

Sec. 5-75. - Basis for area of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated April 13, 2009, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this article. For those land areas acquired by a municipality through annexation, the current effective FIS and data for (*unincorporated county*) are hereby adopted by reference. Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS. (*Identify specific areas here*.)

(Ord. No. 1237, art. 2, § B, 6-11-09)

Sec. 5-76. - Establishment of development permit.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

(Ord. No. 1237, art. 2, § C, 6-11-09)

Sec. 5-77. - Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.

(Ord. No. 1237, art. 2, § D, 6-11-09)

Sec. 5-78. - Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 1237, art. 2, § E, 6-11-09)

Sec. 5-79. - Interpretation.

In the interpretation and application of this article all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 1237, art. 2, § F, 6-11-09)

Sec. 5-80. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Citronelle or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 1237, art. 2, § G, 6-11-09)

Sec. 5-81. - Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Citronelle from taking such other lawful actions as is necessary to prevent or remedy any violation.

(Ord. No. 1237, art. 2, § H, 6-11-09)

Sec. 5-82. - Savings clause.

If any section, subsection, sentence, clause, phrase, or word of this article is for any reason held to be noncompliant with 44 Code of Federal Regulations 59-78, such decisions shall not affect the validity of the remaining portions of this article.

(Ord. No. 1237, art. 2, § I, 6-11-09)

Sec. 5-83. - Variance procedures.

- (a) The zoning board of adjustments as established by Citronelle shall hear and decide requests for appeals or variance from the requirements of this article.
- (b) The zoning board of adjustments shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the building inspector in the enforcement or administration of this article.
- (c) Any person aggrieved by the decision of the zoning board of adjustments may appeal such decision to the circuit court as provided by law.
- (d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- (e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

- (f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (g) In reviewing such requests, the zoning board of adjustments shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.
- (h) Conditions for variances:
 - (1) A variance shall be issued only when there is:
 - (i) A finding of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (2) The provisions of this article are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - (4) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.
- (i) Upon consideration of the factors listed above and the purposes of this article, the zoning board of adjustments may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(Ord. No. 1237, art. 5, 6-11-09)

Sec. 5-84. - Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application:

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

Appeal means a request for a review of the building inspector's interpretation of any provision of this article.

Area of shallow flooding means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in section 5-75.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or materials.

Elevated building means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, pilings, posts, columns, piers, or shear walls.

Existing construction means any structure for which the "start of construction" commenced before June 11, 2009 (i.e., the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before June 11, 2009 (i.e., the effective date of the first floodplain management regulations adopted by a community).

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated as zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study/flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

Floodplain means any land area susceptible to being inundated by water from any source.

Floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding, and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

Manufactured home means a building, transportable in one (1) or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or other datum.

National Geodetic Vertical Datum (NGVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure (see definition) for which the start of construction commenced after June 11, 2009, and includes any subsequent improvements to the structure (i.e., the effective date of the first floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)) and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 11, 2009 (i.e., the effective date of the first floodplain management regulations adopted by a community).

Recreational vehicle means a vehicle which is:

- a. Built on a single chassis;

- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Remedy a violation means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive loss means flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.

Section 1316. No new flood insurance shall be provided for any property which the administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body, to be in violation of state or local laws, regulations or ordinances which are intended to discourage or otherwise restrict land development or occupancy in floodprone areas.

Start of construction means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: Accessory structures are not exempt from any ordinance requirements.) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred. (Optional)

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The market value of the building should be:

- (a) The appraised value of the structure prior to the start of the initial repair or improvement; or
- (b) In the case of damage, the value of the structure prior to the damage occurring.

This term includes structures which have incurred substantial damage, regardless of the actual amount of repair work performed.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this article which permits construction in a manner otherwise prohibited by this article.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Code of Federal Regulations (CFR) 44, § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) and corresponding parts of this article is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 1237, art. 6, 6-11-09)

DIVISION 3. - ADMINISTRATION

Sec. 5-85. - Designation of article administrator.

The building inspector is hereby appointed to administer and implement the provisions of this article.

(Ord. No. 1237, art. 3, § A, 6-11-09)

Sec. 5-86. - Permit procedures.

Application for a development permit shall be made to the building inspector on forms furnished by the community prior to any development activities, and may include, but not be limited to, the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(1) *Application stage.*

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
- (c) Design certification from a registered professional engineer or architect that any proposed nonresidential floodproofed structure will meet the floodproofing criteria of subsections 5-89(2) and 5-92(2);
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

- (2) *Construction stage.* For all new construction and substantial improvements, the permit holder shall provide to the building inspector an as-built certification of the regulatory floor elevation or floodproofing level using appropriate FEMA elevation or floodproofing certificate immediately after the lowest floor or floodproofing is completed. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The building inspector shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(Ord. No. 1237, art. 3, § B, 6-11-09)

Sec. 5-87. - Duties and responsibilities of the administrator.

Duties of the building inspector shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this article have been satisfied; and assure that sites are reasonably safe from flooding.
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (3) When base flood elevation data or floodway data have not been provided in accordance with section 5-75, then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of division 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with subsection 5-86(2).
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been floodproofed, in accordance with subsections 5-89(2) and 5-92(2).
- (6) When floodproofing is utilized for a structure, the building inspector shall obtain certification of design criteria from a registered professional engineer or architect in accordance with subsections 5-86(1)(c) and 5-89(2) or 5-92(2).
- (7) Notify adjacent communities and the Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the Alabama Department of Economic and Community Affairs/Office of Water Resources/NFIP State Coordinator's Office.
- (8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA and state to ensure accuracy of community flood maps through the letter of map revision process. Assure flood-carrying capacity of any altered or relocated watercourse is maintained.
- (9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (10) All records pertaining to the provisions of this article shall be maintained in the office of the building inspector and shall be open for public inspection.

(Ord. No. 1237, art. 3, § C, 6-11-09)

DIVISION 4. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 5-88. - General standards.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) Elevated buildings. All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood-resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade; and
 - (iii) Openings may be equipped with screens, louvers, valves and other coverings and devices provided they permit the automatic flow of floodwater in both directions.
 - (b) So as not to violate the "lowest floor" criteria of this article, the unfinished or flood-resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
 - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this article, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

(Ord. No. 1237, art. 4, § A, 6-11-09)

Sec. 5-89. - Specific standards.

In all areas of special flood hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required:

- (1) *New construction and substantial improvements.* Where base flood elevation data are available, new construction and substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 5-88(4), elevated buildings.
- (2) *Nonresidential construction.* New construction and substantial improvement of any nonresidential structure located in A1-30, AE, or AH zones, may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in subsection 5-87(6).
- (3) *Standards for manufactured homes and recreational vehicles.* Where base flood elevation data are available:
 - (a) All manufactured homes placed and substantially improved on:
 - (i) Individual lots or parcels;
 - (ii) In new or substantially improved manufactured home parks or subdivisions;
 - (iii) In expansions to existing manufactured home parks or subdivisions; or
 - (iv) On a site in an existing manufactured home park or subdivision where a manufactured home has incurred substantial damage as the result of a flood,
must have the lowest floor including basement elevated no lower than one (1) foot above the base flood elevation.
 - (b) Manufactured homes placed and substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation; or
 - (ii) Where no base flood elevation exists, the manufactured home chassis and supporting equipment is supported by reinforced piers or other foundation elements of at least equivalent strength and is elevated to a maximum of sixty (60) inches (five (5) feet) above grade.
 - (c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Refer: section 5-88.)
 - (d) All recreational vehicles placed on sites must either:

- (i) Be on the site for fewer than one hundred eighty (180) consecutive days, fully licensed and ready for highway use if it is licensed, on it's wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or
 - (ii) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of subsections (3)(a), and (c), above.
- (4) *Standards for subdivisions.*
- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
 - (d) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser.

(Ord. No. 1237, art. 4, § B, 6-11-09)

Sec. 5-90. - Floodways.

- (1) *Floodway.* Located within areas of special flood hazard established in section 5-75, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
- (a) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one (1) foot at any point;
 - (b) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
 - (c) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of Section 65.12 [of the National Flood Insurance Program regulations], and receives the approval of the administrator.
 - (d) Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
 - (e) Only if subsection (b), (c) or (d), above are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of division 4.

(Ord. No. 1237, art. 4, § C, 6-11-09)

Sec. 5-91. - Building standards for streams without established base flood elevations (approximate A zones).

Located within the areas of special flood hazard established in section 5-75, where streams exist but no base flood data has been provided (approximate A zones), the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with section 5-75, then the building inspector shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of division 4. Only if data are not available from these sources, then the following provisions of subsections (2) and (4) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five (25) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. (Optional.)
- (3) All development in zone A must meet the requirements of section 5-88, and subsections 5-89(1) through (4).
- (4) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Also, in the absence of a base flood elevation, a manufactured home must also meet the elevation requirements of subsection 5-89(3)(b)(ii) in that the structure must be elevated to a maximum of sixty (60) inches (five (5) feet). (Optional) Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 5-88(4), elevated buildings. The building inspector shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(Ord. No. 1237, art. 4, § D, 6-11-09)

Sec. 5-92. - Standards for areas of shallow flooding (AO zones).

Areas of special flood hazard established in section 5-75, may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM) above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 5-88(4), elevated buildings. The building inspector shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (2) New construction and the substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level or two (2) feet (if no map elevation is listed), above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or

architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in subsection 5-86(1)(c) and (2).

- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. No. 1237, art. 4, § E, 6-11-09)

Secs. 5-93, 5-94. - Reserved.

ARTICLE VIII. - RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS

Sec. 5-95. - Code adopted.

The residential code for one- and two-family dwellings which has been and is on file in the office of the city clerk, being the International Residential Code for One- and Two-Family Dwellings, 2009 edition, and subject to amendments and more stringent or additional requirements contained herein, is hereby adopted as the residential code of the city.

(Ord. No. 1161, § 1, 6-28-01; Ord. No. 1249, §§ 1, 2, 8-3-10; Ord. No. 1284, § 1, 8-8-13)

Secs. 5-96—5-110. - Reserved.

ARTICLE IX. - BUILDING PERMIT FEES

Sec. 5-111. - Building fees.

- (a) For all construction, whether residential or commercial, a permit fee of five dollars and twenty-five cents (\$5.25) per one thousand dollars (\$1,000.00) of estimated value shall be applied. An additional charge shall be made for gas, electrical and plumbing outlets. The estimation of value shall be determined as follows:

Residential construction (frame, brick, etc.):

\$40.00 per square foot—living area

\$25.00 per square foot—carports, patios, garages and porches

Example:

1,000 square foot living area × \$40.00	=	\$40,000.00
200 square foot carport × \$25.00	=	5,000.00
200 square foot patio × \$25.00	=	5,000.00
Total value	=	50,000.00
31,000 × \$5.25 per 1,000 value	=	262.50

Commercial buildings: Same as above except \$40.00 per square foot or the contractor price, whichever is the greater.

All other fees:

Inspection fee 25.00

Electrical fees:

200 ampere switch or less 20.00

400 ampere switch 30.00

600 ampere switch 40.00

800 ampere switch 45.00

1200 ampere switch 55.00

1600 ampere switch 60.00

2000 ampere switch 65.00

Temporary power pole, 1 outlet 15.00

Repairs to outlets or fixtures 15.00

Disconnect switch, per switch 5.00

Outlets:

1—3 5.00

4—10 7.00

11—15 10.00

16—24 15.00

25—50 20.00

51—75 30.00

76—100 40.00

100—150 50.00

150—200 60.00

In addition, \$0.30 each more than 200

Fixtures and smoke detectors:

1—10 7.00

11—20 9.00

21—30 11.00

31—40 13.00

41—50 15.00

51—60 18.00

61—70 20.00

71—80 22.00

81—90 25.00

91—100 30.00

In addition, \$0.30 per fixture more than 100

Replace fluorescent light ballast, same as light fixtures and smoke detectors.

Ceiling fans 1.00

Motor inspection fees:

Fractional to 1 HP 5.00

1½ to 3 HP 6.00

4 to 10 HP 8.75

11 to 20 HP 11.50

21 to 30 HP 13.75

31 to 50 HP 15.50

51 to 100 HP 17.50

Above 100 HP 17.50

In addition, \$0.20 each horsepower more than 100

Heating:

0.0 kw to 7.9 kw 5.00

8.0 kw to 14.9 kw 8.00

15.0 kw to 22.9 kw 10.00

23.0 kw to 37.9 kw 15.00

38.0 kw to 74.9 kw 20.00

Electric signs:

Sign connection fee 15.00

Sign shop inspection fee 10.00

Per transformer or ballast.

Incandescent lamps to be charged according to motor schedules.

Direct burial cable, conduit and miscellaneous trench inspection 10.00

Air conditioners:

Inspection fee 25.00

Air conditioners and central units up to 4 tons 40.00

More than 4 tons, per ton 10.00

Relocate air conditioner fee Same as above

Air conditioner change out 30.00

220 Outlets:

Repairs 15.00

Welding machine receptacle 10.00

Range 6.00

Dryer 5.00

Water heater 5.00

Unidentified outlet 10.00

Each generator—Use motor schedule and add 2.00

Bathroom vent fan 2.50

Disconnect fee 5.00

Other current consuming devices to be charged for as motors—Multiply amperes by voltage and reduce to horsepower by 746 watts.

Plumbing:

Permit fee 25.00

Inspection fee 10.00

Each plumbing fixture, floor drain or trap 5.50

Each sewer connection 15.00

Each water heater 5.00

Gas:

Permit fee, first outlet 15.00

Additional outlets, each 2.00

Signs:

Permit fee is \$5.25 × value of sign and installation

Inspection fee 25.00

Reroof:

Residential 20.00

Commercial 50.00

Inspection fee 25.00

All other home improvements, in excess of \$1,000.00, will be cost of improvement × \$5.25.

For the moving of any building or structure, the fee shall be \$100.00.

- (b) In the case of residential or commercial construction the contractor shall furnish drawings such that a determination can be made as to the square footage under construction and shall be required to show such receipts for utility connections as may be required by the City of Citronelle. Further, the contractor must be licensed in the City of Citronelle. It is understood that the square footage of the construction area used to determine the estimation of value will be calculated from drawings submitted by the contractor and the City of Citronelle will have the option to increase the building permit fee if it is determined that the actual construction exceeds or varies in any extent from the blueprint and drawing submitted for the original estimation. When the permit is issued, the City of Citronelle will have the right to issue a building inspection card to the contractor and to require the contractor to post said card in a visible location at the building site. The City of Citronelle will have the right to make any and all reasonable demands upon any contractor of a residential or commercial site, which will reasonably assist the City of Citronelle in seeing that this article is in all respects complied with.
- (c) Any person failing to obtain the necessary building permits or failing to comply with the specific provisions of this article shall upon conviction be fined not less than one dollar (\$1.00) and not more than two hundred dollars (\$200.00), and may in addition be sentenced to not more than sixty (60) days of hard labor or not more than sixty (60) days in the city jail, either or both.

(Ord. No. 1158, § 1—3, 12-14-00; Ord. No. 1163, 3-14-02; Ord. No. 1253, §§ I—III, 9-9-10)

Secs. 5-112—5-120. - Reserved.

ARTICLE X. - EROSION AND SEDIMENT CONTROL

Sec. 5-121. - Purposes.

- (a) The purpose of this article is to establish comprehensive regulations for the control of erosion, sedimentation, and runoff from land-disturbing activities as well as certain transportation activities associated therewith within the City of Citronelle and its police jurisdiction so as to promote the public health, safety and general welfare, minimize the loss of property, prevent disruptions of commerce and public service, and avoid unnecessary expenditures of public funds.
- (b) The purpose of this article is also to establish the requirements of permits for land-disturbing activities and related transportation on public streets, and to establish the fees for administration of those permits. It is the intent of this article to control land-disturbing activities including erosion, sediment and storm water runoff control as well as related transportation of soils on public streets within the City of Citronelle, and its police jurisdiction.

(Ord. No. 1280, § 1, 1-24-13)

Sec. 5-122. - Definitions.

For the purpose of this article, the following terms shall have the respective meanings ascribed to them:

Land-disturbing activity: Any land change including, but not limited to, clearing, grading or excavating of land, which would disturb the natural vegetation or the existing contours of the land, and/or which may result in soil erosion from water or wind and the movement of sediments into public or private storm drainage facilities or the increase the volume thereof and/or the transportation of soils associated therewith.

Owner: The person holding legal title to the land.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative or other legal entity.

Storm drainage facility: Any pipe, ditch, storm water detention area, creek, river, lake, swale, water course or any other natural or manmade facility through which storm water or storm run-off may pass regularly or intermittently.

(Ord. No. 1280, § 2, 1-24-13)

Sec. 5-123. - Applicability and compliance.

The provisions of this article shall apply to all lands within the city and its police jurisdiction. No land-disturbing activity shall take place except in full compliance with the provisions of this article.

(Ord. No. 1280, § 3, 1-24-13)

Sec. 5-124. - Effect on other regulations.

The provisions of this article shall not be deemed to abrogate any provision of any other code or ordinance which imposes additional or more stringent restrictions than those contained herein.

(Ord. No. 1280, § 4, 1-24-13)

Sec. 5-125. - Permit.

A permit for any land-disturbing activity (hereinafter a "land-disturbance permit") shall be required as set forth hereinafter:

- (a) Application for land-disturbance permits shall be filed with the City Code inspector, and no such permit shall be issued, nor shall any site grading and drainage plan be approved, until the applicant has furnished satisfactory evidence that all applicable provisions of this article and all applicable site control, erosion and drainage standards as administered by the City Code inspector, have been met.
- (b) An application for a land-disturbance permit shall include a site grading and drainage plan as described hereinafter.
- (c) An owner intending to engage in land-disturbing activities is required to obtain a land-disturbance permit from the city with the exception of a building, for which a building permit has been obtained, and which will have no land-disturbing activity apart from the actual building area where a site plan has been approved, or for such other minor land-disturbing activities as home gardens, construction or maintenance of electric or telephone lines, construction or maintenance of underground utility lines, home landscaping, minor repairs, maintenance work,

agricultural or farming operations, emergency work to protect life or property, and emergency repairs. Notwithstanding the exclusions contained in this section, the city is specifically authorized to control and regulate, by means of a land-disturbance permit, all land-disturbing activities which encroach upon or obstruct any public or private storm drainage or involve the transportation of soils by heavy equipment on the highways, streets or other public ways of the city.

- (d) The city shall act on all permit applications submitted to it through its City Code inspector within thirty (30) days from receipt thereof by either granting the permit or disapproving the permit, in writing, and giving specific reasons for any disapproval specifying such modifications, terms and/or conditions, as will allow the approval of the permit. These modifications, terms and/or conditions shall be communicated to the applicant.
- (e) The city may impose the following requirements in agreement form upon the applicant in the event that the anticipated land-disturbing activity will involve the use of heavy equipment such as hauling trucks and/or the transportation of soils using such equipment on the highways, streets or other public ways within the city.
 - (1) *Statement of scope of work.* The applicant shall submit in writing to the City Code inspector a description of the site of the material removal, the estimated quantity of material to be removed, the anticipated route over which the trucks are to travel, and the beginning and completion time for the operation. It is understood that the above information may not at all times be submitted with certainty, but it is the intent of this provision to keep the City of Citronelle as well informed as possible regarding the anticipated operation in question.
 - (2) *Hours of operation.* The hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday, provided however, that no excavation or transportation shall be conducted on legal holidays as set forth in the Alabama Statutes. "Operation" shall be defined to include the driving of all hauling trucks or other heavy equipment into or out of the property covered by the permit, loading, roadwork, or engine start-up of any kind. It is the specific intent of this section that no loading, hauling, or engine start-up activity of any kind shall take place other than during those hours specified above.
 - (3) *Indemnity.* The applicant shall agree to comply with all requirements of this article and the particular permit, and indemnify the city from any cost and/or expense of repairing any highways, streets, or other public ways within the city made necessary by the special burden resulting from permitted hauling and transporting of soils by heavy equipment such as hauling trucks, and to further save the city free and harmless from any and all suits and claims for damages resulting from the removal or transportation of soils or other earthly deposits on the highways, streets or other public ways within the city.
 - (4) *Insurance.* The owner of the land involved shall secure and maintain or confirm that the owner's contractor has secured and maintained such insurance from an insurance company authorized to write casualty insurance in the State of Alabama as will protect himself and his agents and the City of Citronelle from claims for bodily injury, death, or property damage which may arise from operations under a permit duly issued under this article. The amounts of such insurance shall not be less than the following:
 - a. Workmen's Compensation and Employer's Liability Insurance: Shall be secured and maintained as required by the State of Alabama.
 - b. Public liability, personal injury, and property damage:
 - 1. Injury or death of one (1) person: Two hundred fifty thousand dollars (\$250,000.00).
 - 2. Injury to more than one (1) person in a single accident: Five hundred thousand dollars: (\$500,000.00).
 - 3. Property damage: Two hundred thousand dollars: (\$200,000.00).

- c. Automobile and truck public liability, personal injury and property damage, including owned and non-owned vehicles:
 1. Injury or death of one (1) person: Two hundred fifty thousand dollars (\$250,000.00).
 2. Injury to more than one (1) person in a single accident: Five hundred thousand dollars (\$500,000.00).
 3. Property damage: Five hundred thousand dollars (\$500,000.00).

(Ord. No. 1280, § 5, 1-24-13)

Sec. 5-126. - Permit fee.

A fee of one hundred fifty dollars (\$150.00) shall be charged and paid to the city by each person obtaining a land-disturbance permit to defray the cost of reviewing site grading and drainage plans, making on-site inspections, controlling or maintaining any highways, streets or public ways within the city used for any related transportation of soils by heavy equipment and providing such other services required in the administration of this article. This required permit fee shall be doubled when any work commences prior to securing the appropriate permit.

(Ord. No. 1280, § 6, 1-24-13)

Sec. 5-127. - Standards.

The City Code inspector shall require that all site grading and drainage plans submitted shall be accompanied by sufficient engineering for verification of discharge of stormwater runoff, and shall include, as a minimum, location and methods of control of erosion, sediment and stormwater runoff for the purpose of carrying out the terms of this article. Applicable site control, erosion and drainage standards administered by the City Code inspector are incorporated herein by reference.

(Ord. No. 1280, § 7, 1-24-13)

Sec. 5-128. - Enforcement.

A person commencing land-disturbance work prior to securing the permit required herein shall pay a doubled fee as hereinabove provided. Any person who fails to secure a permit or violates any other provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days for each offense, or both. Each day that the violation shall continue shall constitute a separate offense.

(Ord. No. 1280, § 8, 1-24-13)

Secs. 5-129—5-150. - Reserved.

ARTICLE XI. - PROPERTY MAINTENANCE CODE

Sec. 5-151. - Code adopted.

The International Property Maintenance Code, 2012 Edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City of Citronelle, Alabama, to

regulate and govern the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such condemned existing structures as therein provided; and, providing for the issuance of permits and collections of fees therefor. Each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code hereinafter to be kept on file in the office of the codes inspector (codes official) of the City of Citronelle, are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the amendments prescribed in the following section 5-152 of this article.

(Ord. No. 1291, § 1, 3-27-14)

Sec. 5-152. - Amendments to code.

The following sections of the International Property Maintenance Code, 2012 Edition, are hereby amended as follows:

- (a) *Section 1.01* insert: City of Citronelle
- (b) *Section 103.5* insert: There is hereby established an inspection fee of \$25.00 for each inspection made by the Codes Inspector of the City of Citronelle for the enforcement of the provisions of the International Property Maintenance Code, 2012 Edition.
- (c) *Section 112.4* insert: Fines for violation of any provision of this Ordinance shall be not less than \$100.00 or more than \$500.00.
- (d) *Section 302.4* insert: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches in height.
- (e) *Section 304.14* insert: During the period from April through September.
- (f) *Section 602.3* in two locations insert: During the period from September through May.
- (g) *Section 602.4* insert: During the period from September through May.

(Ord. No. 1291, § 2, 3-27-14)

Sec. 5-153. - Property inspections.

- (a) The codes inspector of the City of Citronelle shall have the authority, and may perform inspections of property located within the municipal limits of the City of Citronelle as needed to respond to complaints or address observed violations of the International Property Maintenance Code, 2012 Edition.
- (b) Inspections by the codes inspector (codes official) shall be for the purpose of noting and causing to be corrected any violation of the International Property Maintenance Code, 2012 Edition, to ensure that structures are safe, sanitary and fit for occupation and use, or to consider the condemnation and demolition of buildings and structures unfit for human occupancy and use in accordance with the provisions of the International Property Maintenance Code, 2012 Edition. Repairs or alterations necessary to address violations shall be made within a reasonable time and at the expense of the owner or occupant as provided in (d) hereinafter.
- (c) The codes inspector shall keep a written record of any property inspected in response to complaints or observed observations of the International Property Maintenance Code, 2012 Edition.
- (d) Whenever or wherever in the City of Citronelle any inspection by the codes inspector (codes official) reveals a violation, notice in writing shall be served upon the owner or occupant of the property giving said owner or occupant a reasonable time in which to correct the violation, and in the event that the violation is not corrected within the time allowed, it shall be deemed a nuisance, and may be

addressed in accordance with the provision of the International Property Maintenance Code, 2012 Edition, and/or other applicable ordinances contained within the Code of Ordinances of the City of Citronelle.

- (e) No person or entity shall deny the codes inspector (codes official) access to any property within the municipality at any reasonable time for the purpose of making an inspection in accordance with this article, nor shall any person or entity hinder or obstruct the codes inspection in the performance of an inspection he deems necessary under the authority of this article.

(Ord. No. 1291, § 3, 3-27-14)

Secs. 5-154—5-170. - Rerved.

ARTICLE XII. - UNSAFE STRUCTURES AND DANGEROUS BUILDINGS

Sec. 5-171. - Duties of appropriate municipal official.

- (a) The term "appropriate municipal official" as used in this article shall mean the city building official, any city building inspections officer or deputy and any other city official or city employee designated by the mayor as the person to exercise the authority and perform the duties delegated by this article.
- (b) The appropriate municipal official may:
 - (1) Inspect, or cause to be inspected, semiannually all public buildings, halls, churches, theatres, hotels, tenements, commercial manufacturing or loft buildings for the purpose of determining whether any conditions exist which render any such place a "dangerous building" as defined by this article;
 - (2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is, or may be, existing in violation of this article;
 - (3) Inspect any building, wall or structure reported (as hereinafter provided for) by the fire department or police department as probably existing in violation of the terms of this article; and
 - (4) Perform such other duties as are set forth in this article.
- (c) The appropriate municipal official is hereby authorized and directed to enforce all of the provisions of this article. Upon presentation of the proper credentials, the appropriate municipal official may enter any building, structure, part of building or structure, party wall, foundation, or premises for the purpose of inspection, to prevent violation of the provisions of this article, and/or to carry out an order given pursuant to this article.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-172. - Dangerous buildings defined.

Any building, structure, part of building or structure, party wall, or foundation which has any of the following defects may be deemed a "dangerous building":

- (1) Those whose interior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- (2) Those which, exclusive of the foundation, show thirty-three (33) percent, or more, of damage or deterioration of one (1) or more supporting members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
- (3) Those which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

- (4) Those which have been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism, or any other cause so as to have become dangerous to life, health, property, morals, safety, or general welfare of the public or the occupants;
- (5) Those which have become or are so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety, or general welfare of the public or the occupants;
- (6) Those having light, air, heating, cooling, and sanitation facilities which are inadequate to protect the life, health, property, morals, safety, or general welfare of the public or the occupants;
- (7) Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of ingress and egress to and from said building;
- (8) Those which do not provide minimum safeguards to protect or warn occupants in the event of fire;
- (9) Those which contain unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to the life, health, property, morals, safety, or general welfare of the public or the occupants;
- (10) Those which are so damaged, decayed, dilapidated, structurally unsafe, or of such fault construction or unstable foundation that partial or complete collapse is possible;
- (11) Those which have parts thereof which are so attached that they may fall and damage property or injure the public or the occupants;
- (12) Those, or any portion thereof, which are clearly unsafe for their use or occupancy;
- (13) Those which are neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act;
- (14) Those which have any portion remaining on a site after the demolition or destruction of the same or whenever the building, structure, part of building or structure, party wall, or foundation is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public;
- (15) Those which because of their condition are unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants; and
- (16) Those with a condition or conditions that violate the city's technical codes adopted from time to time if such violation(s) are unsafe to the extent of becoming a public nuisance.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-173. - Buildings defined.

For purposes of this article, the term "building" is deemed to include all structures, appurtenances, improvements, and items on the property, whether or not attached to or apart of the main structure, including, but not limited to, houses, garages, sheds, carports, other accessory structures, pools, as well as any items located therein or on the subject property, including, junk, rubbish, trash, litter, grass and

weeds as defined by the city's grass and weed abatement ordinance, junked motor vehicles, and/or any other matter declared a nuisance under existing law.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-174. - Dangerous buildings constitute nuisances.

All "dangerous buildings" are hereby declared to be public nuisances, and may be repaired, vacated, moved, or demolished as provided by this article.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-175. - Standards for repair, move, vacation, or demolition.

- (a) The following standards may be followed in substance by the appropriate municipal official in ordering a repair, move, demolition, and/or vacation:
- (1) If any building, structure, part of building or structure, party wall, or foundation can reasonably be repaired within a reasonable time and at a reasonable cost relative to the value of the structure so that it will no longer exist in violation of the terms of this article, it may be ordered to be repaired.
 - (2) If any building, structure, part of building or structure, party wall, or foundation can reasonably be moved so that it will no longer exist in violation of the terms of this article, it may be ordered to be moved.
 - (3) In any case where any building, structure, part of building or structure, party wall, or foundation is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land), it may be demolished, and in all cases where any building, structure, part of building or structure, party wall, or foundation cannot be reasonably repaired so that it will no longer exist in violation of the terms of this article, it may be demolished. In all cases where any building, structure, part of building or structure, party wall, or foundation is a fire hazard existing in violation of the terms of this Article, it may be demolished.
 - (4) If any building, structure, part of building or structure, party wall, or foundation is in such condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants, it and/or the entirety or other portion of the premises upon which it is located may be ordered to be vacated.
- (b) Where one or more of the standards above may apply, the appropriate municipal official may, in his sole discretion, choose to order any one, any combination, or all of the foregoing remedies.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-176. - Notice from appropriate municipal official of unsafe condition.

- (a) Whenever the appropriate municipal official of the city finds that any building, structure, part of building or structure, party wall, or foundation situated in the city is unsafe to the extent that it is a public nuisance, the appropriate municipal official may, as set forth in this section, give notice to remedy the unsafe or dangerous condition of the building or structure. The notice shall identify the street address, the legal description, and the parcel identification number of the property where the building, structure, part of building or structure, party wall, or foundation is located. The notice shall set forth in detail the basis for the appropriate municipal official's finding and shall direct the owner or owners to take either of the following actions:

- (1) In the case where repair is required, accomplish the specified repairs or improvements within a reasonable time set out in the notice, which time shall not be less than forty-five (45) days of the date of the notice or if the same cannot be repaired within that time to provide the appropriate municipal official with a work plan to accomplish the repairs, which plan shall be submitted within forty-five (45) days of the making of the notice and shall be subject to the approval of the council.
- (2) In the case where a move or demolition is required, move or demolish the building, structure, part of building or structure, party wall, or foundation within a reasonable time set out in the notice, which time shall not be less than forty-five (45) days of the notice.

The notice shall state that, in the event the owner does not comply within the time specified therein, the repairs, the move, or the demolition shall be accomplished by the city and the cost thereof assessed against the property. The repair, move, or demolition must be completed to the appropriate municipal official's satisfaction, or the same may be completed and accomplished by the city and the cost thereof assessed against the property. The notice shall inform the recipients that a public hearing as provided for by section 5-177(a) shall be held on the finding of the appropriate municipal official at a date, time, and location specified in the notice.

The appropriate municipal official may also order that any building, structure, or part of building or structure ordered to be repaired, moved, or demolished be vacated along such terms as the appropriate municipal official deems appropriate.

- (b) The appropriate municipal official shall give the notice required by subsection (a) of this section by all of the following means:
 - (1) By certified or registered mail, properly addressed and postage prepaid, to all of the following persons or entities:
 - i. The person or persons, firm, association, or corporation last assessing the property for state taxes to the address on file in the Mobile County Revenue Commissioner's Office;
 - ii. The record property owner or owners (including any owner or owners of an interest in the property) as shown from a search of the records of the office of the Judge of Probate of Mobile County, Alabama, at the owner or owners' last known address and at the address of the subject property;
 - iii. All mortgagees of record as shown from a search of the records of the office of the Judge of Probate of Mobile County, Alabama, to the address set forth in the mortgage or, if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the appropriate municipal official;
 - iv. All lien holders of record as shown from a search of the records of the office of the Judge of Probate of Mobile County, Alabama, to the address set forth in the statement of lien or, if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the appropriate municipal official; and
 - v. Any person who is otherwise known to the clerk or to the appropriate municipal official to have an interest in the property;
 - (2) By posting notice of the order, or a copy thereof, within three (3) days of the date of mailing required by subsection (b)(1) of this section, at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location on the building or structure; and
 - (3) By recording notice of the order, or a copy thereof, in the office of the Judge of Probate of Mobile County, Alabama, on or before the date of mailing required by subsection (b)(1) of this section.
- (c) In addition to the required notice provisions in subsection (b) of this section, the appropriate municipal official may, in his sole discretion, publish a short form of the notice described in

subsection (a) of this section in the Call News or other publication of general circulation in Mobile County, Alabama.

- (d) In the event that the identity of the record property owner(s) cannot be ascertained after a reasonably diligent search, the appropriate municipal official, in addition to complying with the applicable notice provisions in subsection (b) of this section, shall issue notice to the unknown property owner(s) by publishing a short form of the notice described in subsection (a) of this section in the Call News or other publication of general circulation in Mobile County, Alabama, once a week for four (4) consecutive weeks.
- (e) A failure by the council to act on the findings of the appropriate municipal official within one hundred twenty (120) days from the date of mailing required by subsection (b)(1) of this section shall constitute an abdication of the appropriate municipal official's findings. However, this shall in no way prevent the city from reinitiating the proceedings authorized by this article at any time so long as all the requirements of this article are satisfied anew. Furthermore, this does not require that the ordered demolition, move, or repairs take place within one hundred twenty (120) days from the date of mailing required by subsection (b)(1) of this section.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-177. - Hearings, appeals, and extensions.

- (a) After the time specified in the notice provided for by section 5-176(a) but no less than fifty (50) days from the date the notice is given as provided for by section 5-176(b)(1), whichever is later, if the owner of any property cited hereunder fails to comply with the notice prescribed, the council shall hold a public hearing to receive any objections to the finding by the appropriate municipal official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the council shall also receive any written objections to the finding by the appropriate municipal official. Any such written objection must be submitted to the clerk prior to the start of the council meeting at which the public hearing is held. no action shall be taken on the finding of the appropriate municipal official until determination thereon is made by the council.
- (b) Upon holding the hearing, the council may determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the council that the building or structure is unsafe to the extent that it is a public nuisance, the council may take either of the following actions:
 - (1) In the case where repair is required, order repair of the building at the expense of the city and assess the expenses of the repair on the land on which the building stands or to which it is attached.
 - (2) In the case where a move or demolition is required, order moving or demolition of the building at the expense of the city and assess the expenses of the move or demolition on the land on which the building stands or to which it is attached.

The council may also order that any building, structure, or part of building or structure to be repaired, moved, or demolished be vacated along such terms as the council deems appropriate.

- (c) Any person aggrieved by the decision of the council at the hearing may, within ten (10) days thereafter, appeal to the Circuit Court of Mobile County, Alabama, upon filing with the Clerk of the Circuit Court of Mobile County, Alabama, notice of the appeal and bond for security of costs in the form and amount to be approved by the circuit clerk. Upon filing of the notice of appeal and approval of the bond, the circuit clerk of the court shall serve a copy of the notice of appeal on the clerk and the appeal shall be docketed in the circuit court, and shall be a preferred case therein. The clerk shall, upon receiving the notice, file with the circuit clerk a copy of the findings and determination of the council in its proceedings. Any trials shall be held without jury upon the determination of the council that the building or structure is unsafe to the extent that it is a public nuisance.

- (d) After twenty (20) days of the decision of the council, if a repair, move, or demolition is ordered by the council and if an appeal has not been taken to the circuit court as provided for by subsection 5-177(c), then the repair, move, or demolition may be accomplished by the city by the use of its own forces, or it may provide by contract for the repair or demolition. In the event that an appeal is taken to the circuit court as provided for by subsection 5-177(c), once a judgment authorizing a repair, move, or demolition becomes final as provided by law, then the repair, the move, or the demolition may be accomplished by the city by the use of its own forces, or it may provide by contract for the repair, the move, or the demolition.
- (e) A failure by the city to accomplish the repair, move, or demolition of a building, structure, part of building or structure, party wall, or foundation within one hundred eighty (180) days of the passage of the resolution ordering the same shall constitute an abdication of the Council's order unless one of the following conditions is satisfied:
 - (1) An aggrieved party has filed an appeal pursuant to or allegedly pursuant to this article;
 - (2) A court of competent jurisdiction has enjoined or otherwise halted the repair, move, or demolition;
 - (3) All parties identified by the appropriate municipal official pursuant to section 5-176(b)(1) have entered into a written agreement allowing for an extended period of time within which the repair, move, or demolition may be accomplished;
 - (4) All parties identified by the appropriate municipal official pursuant to section 5-176(b)(1) have noted at a meeting of the council their agreement allowing for an extended period of time within which the repair, move, or demolition may be accomplished and the agreement is reflected in the minutes of the council; or
 - (5) Further action is taken by the council as provided by subsection (f) of this section.
- (f) If for any reason an ordered repair, move, or demolition cannot be accomplished within one hundred eighty (180) days of the passage of the resolution ordering the same, the appropriate municipal official shall make a report of the same and the length of any desired extension to the council. The clerk shall distribute a copy of the report to the members of the council. The clerk shall set the report on the proposed extension for a public hearing at a meeting of the council. The clerk shall give no less than ten (10) days' notice of the meeting at which the proposed extension is to be considered by certified mail to all persons or entities listed in section 5-176(b)(1). Notice shall be deemed complete upon mailing. Any person, firm, or corporation having an interest in the property may be heard at the meeting as to any objection to the proposed extension or the length thereof. Following the public hearing, the council may adopt a resolution extending the time for the repair, move, or demolition to be accomplished for such period of time as it deems necessary. The council need not order an extension before the time to complete the repair, move, or demolition expires in order for the extension to be effective, but if the council desires to extend the time to complete the repair, move, or demolition, then the council must order the extension no more than sixty (60) days after the expiration of the then existing deadline to complete the repair, move, or demolition. The council may order repeated extensions if the process set forth in this subsection is followed for each extension.
- (g) Nothing in this article shall prevent the city from reinitiating the proceedings authorized by this article at any time so long as all the requirements of this article are satisfied anew.
- (h) The city may sell or otherwise dispose of salvaged materials resulting from any demolition pursuant to this article.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-178. - Reserved.

Sec. 5-179. - Fixing of costs as final assessment.

- (a) Upon repair, move, or demolition of the building or structure, the appropriate municipal official shall make a report to the council of the cost thereof by tendering a copy of the report to the clerk. The clerk shall distribute a copy of the report to the members of the council. The proceeds of any moneys received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of demolition. The clerk shall set the report of costs for a public hearing at a meeting of the council.
- (b) The clerk shall give no less than ten (10) days' notice of the meeting at which the fixing of the costs is to be considered by certified mail to all persons or entities listed in section 5-176(b)(1). Notice shall be deemed complete upon mailing.
- (c) Any person, firm, or corporation having an interest in the property may be heard at the meeting as to any objection to the fixing of the costs or the amounts thereof.
- (d) Following the public hearing, the council may adopt a resolution fixing the costs which it finds were reasonably incurred in the repair, the move, or the demolition and assessing the costs against the lot or lots, parcel or parcels of land upon which the building or structure was located ("the final assessment").

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-180. - Tax lien for the final assessment of a move or demolition.

- (a) The final assessment for a move or demolition once made and confirmed by the council shall constitute a lien on the property for the amount of the final assessment. The lien shall be superior to all other liens on the property except liens for taxes, and shall continue in force until paid. The clerk shall file a certified copy of the resolution in the office of the Judge of Probate of Mobile County, Alabama, and with the Mobile County Revenue Commissioner's office. In the case of a final assessment resulting from a move or demolition accomplished pursuant to this article, upon filing, the revenue commissioner of the county shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax and remit the amount to the city.
- (b) The city may assess the final assessment of a move or demolition against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes, and where the assessment is made against the lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien of the city for the assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to the assessment. The assessment shall then be added to the tax bill of the property, collected as a tax, and remitted to the city.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-181. - Payment of assessments.

- (a) Payment of a final assessment resulting from a move or demolition accomplished pursuant to this article shall be made in the manner and as provided for the payment of municipal improvement assessments in Section 11-48-48 of the Code of Alabama (1975), as the same has heretofore or may hereafter be amended. Upon the property owner's failure to pay the assessment, the officer designated by the city to collect the assessments shall proceed to collect the assessment as provided in Sections 11-48-49 to 11-48-60, inclusive, of the Code of Alabama (1975). The city may, in the latter notice, elect to have the revenue commissioner collect the assessment by adding the assessment to the tax bill. Upon the election, the revenue commissioner shall collect the assessment using all methods available for collecting ad valorem taxes.

- (b) Payment of a final assessment resulting from a repair accomplished pursuant to this article shall be made in the manner and as provided in Section 11-53B-7 of the Code of Alabama (1975), as the same has heretofore or may hereafter be amended. Upon the property owner's failure to pay the assessment, the officer designated by the city to collect the assessments shall proceed to collect the assessment as provided in Sections 11-53B-8 to 11-53B-14, inclusive, of the Code of Alabama (1975).

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-182. - Emergency action.

- (a) The appropriate municipal official is hereby authorized to initiate the immediate repair, move, or demolition of a building, structure, or portion thereof when in the opinion of the appropriate municipal official such emergency action is required due to imminent danger of structural collapse endangering adjoining property, the public right of way, or human life or health. In the case of emergency action pursuant to this subsection (a), the appropriate municipal official may promptly cause such building, structure, or portion thereof to be made safe, secured, or removed. For this purpose, the appropriate municipal official may at once enter such structure with such assistance and at such cost as the appropriate municipal official may deem necessary. The appropriate municipal official may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose, the appropriate municipal official may close a public or private way.
- (b) Alternatively, the council is hereby authorized to, by resolution or motion reflected upon the minutes of its proceedings, order the immediate repair, move, or demolition of a building, structure, or portion thereof when in the opinion of the council such emergency action is required due to imminent danger of any type endangering adjoining property, the public right of way, or human life or health. In the case of emergency action pursuant to this subsection (b), the council may promptly order and cause such building, structure, or portion thereof to be made safe, secured, or removed. The council may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose, the council may close a public or private way.
- (c) To the extent that the circumstances allow without furthering the risk of harm or danger, prior to taking any action, the appropriate municipal official or the council as applicable shall attempt to give actual notice of the proposed action to those persons and/or entities identified in section 5-176(b)(1) and seek to secure their cooperation.
- (d) In the case of any action taken pursuant to this section, the appropriate municipal official shall prepare a declaration of the emergency that shall set forth in detail the reason or reasons for emergency repair, move, or demolition. The declaration shall identify the street address, the legal description, and the parcel identification number of the property where the building, structure, or portion thereof is located. The appropriate municipal official shall serve, post, and file the declaration as soon as practicable as provided for the service of a notice in section 5-176(b). The appropriate municipal official shall also provide the declaration to the council by tendering a copy of the report to the clerk. The clerk shall distribute a copy of the report to the members of the council.
- (e) The cost of the emergency action may be fixed by the council and shall be assessed pursuant to this article in the same manner provided for non-emergency repairs, moves, or demolitions.
- (f) In cases of emergency action pursuant to this section, the decision of the appropriate municipal official and/or the council, as applicable, shall be final, and there shall be no right to appeal the decision of the appropriate municipal official and/or the council, as applicable, in the case of an emergency.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-183. - Duties of the fire department.

The employees of the fire department may make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be "dangerous buildings." Such reports should be delivered to the building official within twenty-four (24) hours of the discovery of such buildings by an employee of the fire department.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-184. - Duties of the police department.

All employees of the police department may make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be "dangerous buildings." Such reports should be delivered to the building official within twenty-four (24) hours of the discovery of such buildings by an employee of the police department.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-185. - Duties of the city attorney.

The city attorney is hereby authorized to:

- (1) Prosecute all persons performing any act or acts deemed unlawful under section 5-186 of this article.
- (2) Appear at all hearings before the council authorized by this article.
- (3) Bring suit to collect all municipal liens, assessments, expenditures or costs incurred by the city in repairing, causing to be vacated, moved, or demolished any building, structure, part of building or structure, party wall, or foundation pursuant to this article.
- (4) Take such other legal action as is necessary to carry out the terms and provisions of this article, including, but not limited to, those actions contemplated by section 5-187 of this article.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-186. - Enforcement and penalties.

- (a) It shall be unlawful for any person, or for any agent, servant or employee of such person, to fail to comply with an order or notice given pursuant to this article.
- (b) It shall be unlawful for any person, or for any agent, servant or employee of such person, to fail or refuse to perform any duty imposed by this article.
- (c) It shall be unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with an appropriate municipal official in carrying out the purposes of this article.
- (d) It shall be unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with a repair, move, or demolition ordered pursuant to this article by remaining upon the premises or in such proximity to the premises and at such a time and location where the work cannot be accomplished without endangering the life, health, safety, or general welfare of himself or another person.
- (e) It shall be unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, tamper with, or remove a notice posted pursuant to section 5-176(b)(2) or section 5-182(d).
- (f) It shall be unlawful for any person, including an occupant or lessee in possession, to fail to comply with any notice to vacate pursuant to this article.

- (g) It shall be unlawful for any person to enter, access, or be upon the premises that the appropriate municipal official has ordered to be vacated and that is the subject of a notice pursuant to section 5-176 or a declaration pursuant to section 5-182 except for the purposes of demolishing the same, of moving the same, or of making the required repairs.
- (h) It shall be unlawful for any person who has received a notice pursuant to section 5-176 or a declaration pursuant to section 5-182 to sell, transfer, mortgage, lease, encumber, or otherwise dispose of such building, structure, part of building or structure, party wall, or foundation that is the subject of notice to another until such person shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of the notice served pursuant to section 5-176 or the declaration served pursuant to section 5-182 and shall furnish to the city building official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of the notice served pursuant to section 5-176 or the declaration served pursuant to section 5-182 and fully accepting the responsibility without condition for making the corrections or repairs required by such notice served pursuant to Section 5-176 or section 5-182.
- (i) A violation of this section shall be punishable by a fine not to exceed the sum of five hundred (\$500.00) for each offense, and if a willful violation, by imprisonment, not to exceed six (6) months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.
- (j) The penalties and remedies provided by this article shall not apply to the city or any official (elected or appointed), agent, officer, or employee of the city who is administering this article or otherwise performing its, his, or her official duties.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-187. - Civil remedies.

The continued or recurrent performance of any act or acts deemed unlawful under section 5-186 of this article is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The city, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same or proceed as otherwise authorized under law to address nuisances.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-188. - No effect on immunities.

This article is adopted only to provide a service for the public as a whole, and is not for the benefit of any individual person or entity. By the adoption of this article, the city and its agents, officers, and employees accept no duty for the benefit (intended or unintended) of any person, including but not limited to any owner, mortgagee, lien holder, landlord, tenant, occupant, roomer, invitee of any type, trespasser, or any of their agents, officers, or employees. Any duty alleged to arise under this article on the part of the city or any of its agents, officers, or employees for the benefit of any person is hereby expressly rejected. The city and its agents, officers, and employees hereby expressly reserve all applicable immunities existing under any doctrine, authority, or law (whether under the common law, statute, or otherwise), including but not limited to substantive immunity, qualified immunity, and discretionary function immunity. Save for the powers and remedies that this Article gives to the city and to its agents, officers, and employees who are administering this article or otherwise performing its, his, or her official duties, this article does not create any private cause of action for the benefit of any person.

(Ord. No. 1295, § 1, 9-11-14)

Sec. 5-189. - Cumulative effect.

This article is cumulative in nature and is in addition to any power and authority that the city may have under any other law.

(Ord. No. 1295, § 1, 9-11-14)