

Chapter 6 - BUILDINGS AND CONSTRUCTION

ARTICLE I. - IN GENERAL

Sec. 6-1. - Penalties.

Any person who violates the provisions of this chapter shall, separately for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, and upon conviction thereof, be punished by fine not to exceed \$250.00 or shall be imprisoned in the town jail of the town, for a period not to exceed six months, or both in the discretion of the municipal judge.

(Ord. No. 51-A, § III, 3-9-2010)

Sec. 6-2. - Adoption of construction codes; conflicts; definitions.

- (a) For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, the town council adopts the following construction codes by reference, as modified or amended by the provisions of this chapter, at least one copy of which is on file in the office of the town clerk:
- (1) Codes published by the International Code Council (ICC):
 - a. 2015 International Building Code.
 - b. 2015 International Residential Code for One- and Two-Family Dwellings.
 - c. 2015 International Existing Building Code.
 - d. 2015 International Fuel Gas Code.
 - e. 2015 International Mechanical Code.
 - f. 2015 International Plumbing Code.
 - g. 2015 International Property Maintenance Code.
 - (2) 2014 National Electrical Code published by the National Fire Protection Association (NFPA).
- (b) In case of conflict between this Code and any code adopted by reference in this chapter, the more restrictive provision shall apply.
- (c) When used in the adopted code, the word "municipality" means the town and the term "corporation counsel" means the town attorney.

(Ord. No. 51-A, § I, 3-9-2010)

Sec. 6-3. - Enforcement by building inspector.

The town council has appointed a building inspector who shall be responsible for the enforcement of all the provisions of this chapter and all provisions of the Code.

(Ord. No. 51-A, § II, 3-9-2010)

Sec. 6-4. - Building permit fees.

Building permit fees shall be as provided in the town fee schedule.

(Ord. No. 176, §§ I—III, 5-10-2016; Ord. No. 176-A, §§ I—III, 9-13-2016)

Sec. 6-5. - Estimation value for building permit fee purposes.

Building permit fees are based on the value of the construction. For purposes of estimating the value of the construction, value shall be calculated as \$35.00 per square foot of living area for residential construction and \$17.00 per square foot of carport, patio, garage and porch area, plus an additional charge for gas, electrical and plumbing outlets.

(Ord. No. 176, intro., 5-10-2016)

Secs. 6-6—6-28. - Reserved.

ARTICLE II. - STREET NUMBERING

Sec. 6-29. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means house, commercial building, church, condo, duplex, apartment building, high rise, public building, hotel, motel, bed and breakfast, rooming house, boarding house, mobile home (in mobile home park) or structure.

(Ord. No. 140, § I(F), 3-23-2004)

Sec. 6-30. - Structure number required; design and installation specifications.

- (a) No building permit will be issued under this chapter and shall be made unless a house number is affixed to the building. During construction, no inspections will be made unless a temporary house number is placed above or below the posted on-site building permit.
- (b) No property in the town shall be rented, leased or placed for sale that does not have house

numbers posted as required in this article.

- (c) The numbers shall be a minimum of at least $4\frac{1}{2}$ inches in height and shall be covered with a reflective surface or paint of a contrasting color to the building.
- (d) Numbers shall be affixed to the building and shall be clearly viewable from the street. All numbers shall be affixed on the left side of the building closest to the street, on a porch or deck column adjacent to the building entrance or above the front entrance. In the event the building is not visible from the street, numbers shall also be affixed to a mailbox, signpost, or other immediately adjacent to the entrance or drive way to the building.

(Ord. No. 140, §§ I(A)—(D), II, 3-23-2004)

Sec. 6-31. - Enforcement procedure.

- (a) When any police officer or other town enforcement officer finds a violation of this article, he shall issue a citation and deliver it to the person in violation, directing the person to appear in the municipal court at a time and on a date stated therein to answer to the charges for the violations, which shall be stated in said citation.
- (b) If the violation is the first violation, the person in violation, in lieu of appearing on the municipal court at the time and on the date stated in the citation, may pay a fine of \$30.00, plus the costs of court, within ten days from the date of the citation.
- (c) Alternatively, the authorized town enforcement officer may issue a notice to correct to the person in violation, requiring that the person correct the violation within a number of days stated in the notice. The issuance of a corrective notice is not necessary for the prosecution of violations of this article.

(Ord. No. 140, §§ III, IV, 3-23-2004)

Sec. 6-32. - Violations and penalties.

Any person who fails to post numbers as required in this article or who fails to comply with a notice to correct within the time stated in the notice shall be in violation of this article and be subject to a fine of not more than \$500.00, imprisonment for a period not to exceed six months, or both, in the discretion of the trial judge. Each day a violation continues constitute a separate offense frame so ordered therein, shall be in violation of the provisions of this ordinance.

(Ord. No. 140, § V, 3-23-2004)

Secs. 6-33—6-52. - Reserved.

ARTICLE III. - UNSAFE BUILDINGS AND STRUCTURES

DIVISION 1. - GENERALLY

Sec. 6-53. - Authority.

The town has authority, pursuant to Code of Ala. 1975, § 11-53A-1, and may, after notice as provided in this article, move or demolish buildings or structures, or parts of buildings or structures, party walls, or foundations when found by a municipal housing code abatement board and by the town council, to be unsafe to the extent of creating a public nuisance from any cause.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-54. - Housing code abatement board; enforcement authority.

The town council has created a town housing code abatement board. Each member of the town council shall appoint one member from his district to serve on the abatement board to serve a term of eight years. The housing code abatement board shall perform the duties delegated by this article and shall enforce the provisions of this article.

(Ord. No. 97-128, 12-9-1997)

Secs. 6-55—6-81. - Reserved.

DIVISION 2. - PROCEDURE

Sec. 6-82. - Notice of violation.

Whenever the board finds that any building, structure, part of a building or structure, party wall, or foundation situated in its jurisdiction is unsafe to the extent that it creates a public nuisance from any cause, it shall give notice to the person last assessed for state ad valorem taxes that if the unsafe condition is not remedied within 60 days, the building or structure shall be demolished and removed by the town and the costs shall be assessed against the property.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-83. - Service of notice.

Notice of violation shall be given personally serving a copy of the notice to remedy the unsafe or dangerous condition of the building or structure, or to demolish the building or structure, within a reasonable time set out in the notice to the person or legal entity to whom the property was assessed for ad valorem taxes, not more than 60 days following the notice. In the event that the personal service is returned

"not found" after not less than two attempts, the notice may be given by registered or certified mail. The mailing of the notice by registered mail, properly addressed and postage prepaid to the address where the notice for ad valorem taxes for the last tax year was mailed, shall constitute notice as required by this article.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-84. - Posting of notice.

Prior to the delivery or mailing, the notice or a copy of the notice shall also be posted 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 upon the building or structure.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-85. - Request for hearing.

Within the time specified in the notice, but not more than 60 days from the date notice is given, any person having an interest in the building or structure may file a written request for a hearing before the town council, together with any objection to the finding by the board that the building or structure is unsafe to the extent of creating a public nuisance. The filing of a request for hearing shall delay any action on the finding of the board until a determination is made.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-86. - Time for and notice of hearing.

A hearing shall be held not less than ten nor more than 60 days after the request. At the hearing, or in the event no hearing is timely requested, after the expiration of 60 days from the date the notice is given, the town council shall determine whether the building or structure is unsafe to the extent that it creates a public nuisance. Notice of the town council meeting and that a determination will be made at the meeting shall be published one time in a newspaper of general circulation in the town, not less than 10 days prior thereto.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-87. - Final determination by town council.

If a building or structure is determined to be unsafe to the extent that it creates a public nuisance, the town council shall order the building or structure to be demolished and removed 30 days following the determination. The town may perform or contract for the performance of the demolition and removal of

the building structure, and may sell or otherwise dispose of salvaged materials resulting from the demolition and removal.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-88. - Appeal to circuit court.

Any person aggrieved by the decision of the town council at the hearing may, within 30 days thereafter, appeal to the circuit court upon filing with the clerk of the court notice of the appeal and bond for security of costs in the form and amount approved by the circuit clerk. Upon filing the notice and bond, the clerk shall serve a copy of the notice of appeal on the town clerk. The appeal shall be docketed in the court as a preferred case. The town clerk shall, upon receiving the notice, file with the circuit clerk a copy of the findings and determination of the town council. A trial shall then be held without a jury upon the determination of the town council.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-89. - Report of demolition and removal.

Upon demolition and removal of a building or structure, the board shall make a report to the town council of the cost.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-90. - Fixing of costs by town council; notice of meeting; objections.

The town council shall adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and removal and assess the costs against the property. Any person having an interest in the property may be heard at the meeting concerning any objection he may have to the fixing of the costs. The town clerk shall give not less than 15 days' notice of the meeting at which the fixing of the costs is to be considered by publication in a newspaper of general circulation in the town.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-91. - Resolution fixing costs constitutes special assessment and lien on property.

- (a) The fixing of costs by the town council shall constitute a special assessment against the lot or lots, parcel, or parcels of land upon which the building or structure was located, and shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except prior recorded mortgages and other prior recorded security interests and liens for taxes, and shall continue in force until paid.
- (b) The town clerk shall mail a certified copy of the resolution by registered or certified mail to

the person last assessed for ad valorem taxes, and a certified copy of the resolution shall be published in the manner and as prescribed for the publication of municipal ordinances. A certified copy of the resolution shall also be filed in the office of the judge of probate of the county in which the town is situated.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-92. - Disposition of proceeds received from sale of salvaged materials.

The proceeds of any monies received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition and removal.

(Ord. No. 97-128, 12-9-1997)

Sec. 6-93. - Article cumulative to other town authority.

This article shall be cumulative in its nature, and in addition to any and all power and authority which any such town may have under any other law.

(Ord. No. 97-128, 12-9-1997)