

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF
JASPER, ALABAMA, HELD JANUARY 9, 2024**

10:00 a.m. - The meeting was called to order by Presiding Officer Jenny Brown Short in the Council Chambers, City Hall, 400 19th Street West, Jasper.

Present: Presiding Officer Jenny Brown Short, Councilmembers Danny Gambrell, Gary Cowen, Jennifer W. Smith, Willie Moore III, Mayor David P. O'Mary, City Clerk/Administrator Kathy Chambless, City Attorney Russell B. Robertson

Absent:

Invocation: Police Captain Justin Tidwell

Pledge of Allegiance: Police Captain David Mize

Approval of Minutes:

Motion

Moved by Councilmember Cowen, seconded by Councilmember Gambrell that the minutes of the regular meeting December 19, 2023, be approved.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

Consider amendments to the agenda. There were no amendments.

Consider approval of the agenda.

Motion

Moved by Councilmember Smith, seconded by Councilmember Moore that the agenda be approved.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

Conduct a public hearing and consider approval of a Restaurant Retail Liquor License (for on premise consumption) for Los Amigos Mexican Grill 2 LLC, located at 258 Highway 78 W. Following a public hearing during which no comments were made concerning the license, a motion was considered.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Smith to approve a Restaurant Retail Liquor License (for on premise consumption) for Los Amigos Mexican Grill 2 LLC, located at 258 Highway 78 W.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

Consider a request to accept funds from Blue Line Warriors Calendar Co LLC in the amount of \$3,185 to the Police Department for calendar sales.

Motion

Moved by Councilmember Smith, seconded by Councilmember Gambrell to approve a request to accept funds from Blue Line Warriors Calendar Co LLC in the amount of \$3,185 to the Police Department for calendar sales.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

Consider approval of sponsorship for the congressional dinner in conjunction with the League of Municipalities to be held on March 11, 2024, at the National League of Cities Convention in the amount of \$2,000.

Motion

Moved by Councilmember Smith, seconded by Councilmember Cowen to city sponsorship for the congressional dinner in conjunction with the League of Municipalities to be held on March 11, 2024, at the National League of Cities Convention in the amount of \$2,000.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

Consider an appointment to the Library Board to fill a vacancy in district 2. Presiding Officer Short opened the floor for nominations.

Councilmember Gambrell nominated Fred May to be appointed to the Library Board for District 2.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Moore that the nominations be closed.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

Motion

Moved by Councilmember Moore, seconded by Councilmember Gambrell to appoint Fred May from District 2 to the Jasper Library Board.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

Consider adoption of Budget Amendment #2023/2024-04, by unanimous consent, to provide funds to purchase two 2023 Ford F-150 trucks for the Police Department.

Motion

Moved by Councilmember Moore, seconded by Councilmember Cowen that the rules be suspended and unanimous consent be given for immediate consideration of and action on said budget amendment.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

Motion

Moved by Councilmember Cowen, seconded by Councilmember Gambrell to adopt Budget Amendment #2023/2024-04.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

Consider adoption of a Resolution to establish a credit card processing policy.

Motion

Moved by Councilmember Smith, seconded by Councilmember Gambrell to establish a credit card processing policy.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

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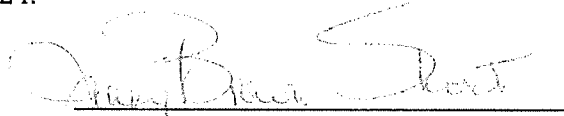
RESOLUTION NO.: 2024 - 01

WHEREAS, the City Council of the City of Jasper, Alabama, recognizes the need to establish a payment card policy; and

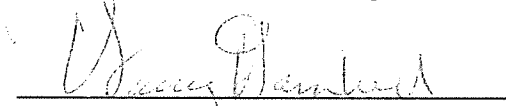
WHEREAS, the City Council of the City of Jasper, Alabama desires to adopt and establish a payment card policy based on Payment Card Industry Data Security Standards.

NOW, THEREFORE, BE IT RESOLVED, that the City of Jasper shall hereby adopt a Payment Card Policy based on Payment Card Industry Data Security Standards, effective immediately upon its passage.

ADOPTED this the 9th day of January 2024.



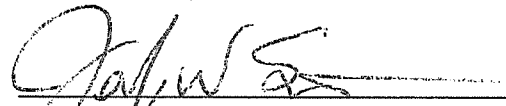
Jenny Brown Short, Presiding Officer



Danny Gambrell, Councilmember



Gary Cowen, Councilmember

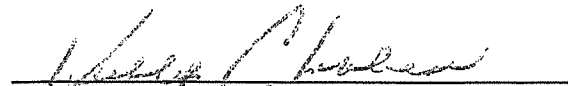


Jennifer W. Smith, Councilmember



Willie Moore, III, Councilmember

ATTEST:


Kathy Chambless, City Clerk

Consider adoption of a Resolution to declare that portion of 17th Street from 5th Avenue to Alabama Avenue also be known as Honorary Senator Greg Reed Way.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Gambrell to declare that portion of 17th Street from 5th Avenue to Alabama Avenue also be known as Honorary Senator Greg Reed Way.

Vote

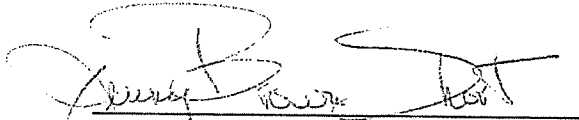
Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

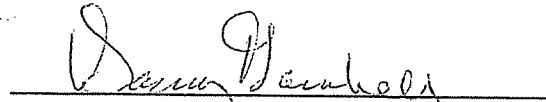
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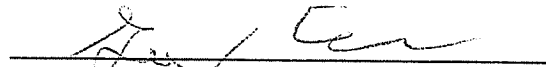
RESOLUTION NO.: 2024 - 02

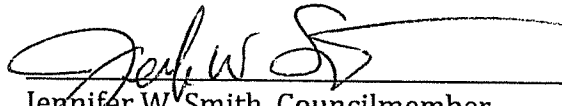
BE IT RESOLVED by the City Council of the City of Jasper, Alabama that a portion of 17th Street, from 5th ~~Street~~ ^{Avenue} to Alabama Avenue, in the Jasper city limits also be known as: Honorary Senator Greg Reed ^{Way} ~~Boulevard~~

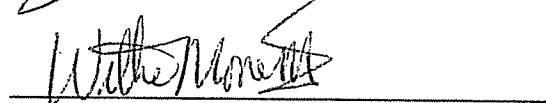
ADOPTED this the 9th day of January 2024.


Jenny Brown Short, Presiding Officer

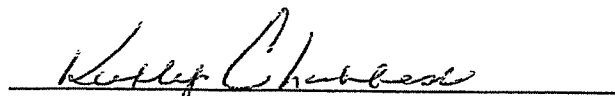

Danny Gambrell, Councilmember


Gary Cowen, Councilmember


Jennifer W. Smith, Councilmember


Willie Moore, III, Councilmember

ATTEST:


Kathy Chambless, City Clerk

Consider adoption of a Resolution to declare that portion of Industrial Parkway from Charles Bishop Industrial Drive to Whitehouse Road also be known as Honorary Hunter's Crossing Parkway.

Motion

Moved by Councilmember Smith, seconded by Councilmember Gambrell to declare that portion of Industrial Parkway from Charles Bishop Industrial Drive to Whitehouse Road also be known as Honorary Hunter's Crossing Parkway.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

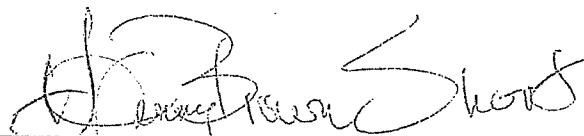
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RESOLUTION NO.: 2024 - 03

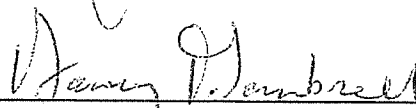
BE IT RESOLVED by the City Council of the City of Jasper, Alabama that a portion of Industrial Parkway, from Charles Bishop Industrial Drive to Whitehouse Road, in the Jasper city limits also be known as:

Honorary Hunter's Crossing Parkway

ADOPTED this the 9th day of January 2024.



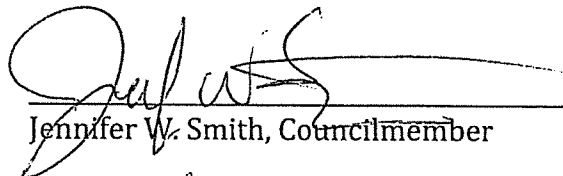
Jenny Brown Short, Presiding Officer



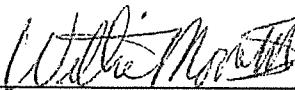
Danny Gambrell, Councilmember



Gary Cowen, Councilmember

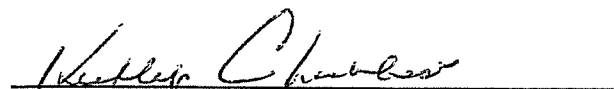


Jennifer W. Smith, Councilmember



Willie Moore, III, Councilmember

ATTEST:


Kathy Chambless, City Clerk

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Consider adoption of an Ordinance to establish a school zone speed limit from the intersection at Highland Avenue and Viking Drive to just past the entrance of Jasper High School. The speed limit will be 25 mph during designated school hours and 35 mph at all other times.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Moore to adopt an Ordinance to establish a school zone speed limit from the intersection at Highland Avenue and Viking Drive to just past the entrance of Jasper High School.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

(See following pages)

ORDINANCE NO. 2024-01

**AN ORDINANCE TO ESTABLISH AND PROVIDE REGULATIONS FOR
OPERATION OF MOTOR VEHICLES WITHIN VIKING DRIVE SPEED ZONE**

WHEREAS, the City Council of the City of Jasper, Alabama, has, from time to time, adopted various regulations for operation of motor vehicles, including the speed at which the same may be operated, in various speed limit zones within the city limits of the City of Jasper, Alabama; and

WHEREAS, the City Council of the City of Jasper, Alabama, has determined, after proper hearing, that the best interests of the health, safety and welfare of the citizens of and visitors to the City of Jasper, will best be served by the establishment of a special speed limit zone along Viking Drive, extending from Highland Avenue on the western end to 20th Avenue on the eastern end, and providing regulations for the operation of motor vehicles within such speed zone; and

WHEREAS, there are located within this section of Viking Drive numerous school facilities, as well as school athletic facilities, at which large crowds periodically gather at times, and the gatherings typically include large numbers of children; and

WHEREAS, the City of Jasper Police Department recommended the adoption of the said zone and regulations;

BE IT THEREFORE ORDAINED, as follows:

Section 1. Enactment of §20-92, Code of Ordinances.

There is hereby enacted Section 20-92, Code of Ordinances of the City of Jasper, Alabama, which shall provide as follows:

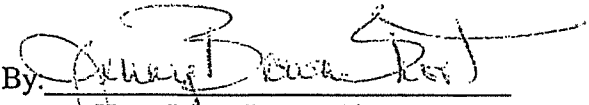
- (a) No person shall operate a motor vehicle at a rate of speed higher than the posted rate of speed in the Viking Drive speed zone, defined as that portion of Viking Drive between Highland Avenue on the western end and 20th Avenue on the eastern end.
- (b) For purposes of this section, the “posted rate of speed” within the Viking Drive speed zone shall be that rate of speed which is displayed and exhibited on the signage contained within the zone, which signage shall be adjustable at various times and dates to provide for different maximum legal rates of speed, and which may indicate the applicability of such rate(s) of speed by means of flashing lights or other easily visible signals sufficient to provide notice to travelers of the speed limit applicable at any given time.

Section 2. Effective Date.

This Ordinance shall become effective immediately after its passage and publication as required by the laws of the State of Alabama.


DONE and ORDAINED, this the 9th day of January, 2024.

CITY COUNCIL OF THE CITY OF
JASPER, ALABAMA

By: 

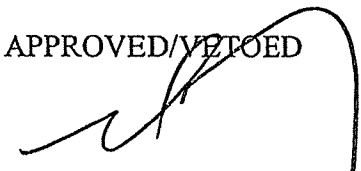
Hon. Jenny Brown Short
Council Presiding Officer

ATTEST:



Hon. Kathy Chambless, City Clerk

APPROVED/VETOED



Hon. David P. O'Mary, Mayor

Consider adoption of an Ordinance related to vacant buildings.

Motion

Moved by Councilmember Smith, seconded by Councilmember Gambrell to adopt an Ordinance related to vacant buildings.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

(See following pages)

ORDINANCE NO.: 2024 – 02
AN ORDINANCE ADOPTING REGULATIONS REGARDING THE REGISTRATION AND MAINTENANCE OF VACANT BUILDINGS AND ENFORCEMENT PROCEDURES AND PENALTIES

WHEREAS, the City Council of the City of Jasper, Alabama, finds, determines, and declares that unoccupied and vacant buildings become an attractive nuisance to children, an invitation to derelicts, vagrants, and criminals; a harborage for rodents, vermin, and other pests; and create a fire and safety hazard for citizens who reside in proximity to these locations; and

WHEREAS, the unkempt grounds surrounding said property invite the dumping of garbage and rubbish; and

WHEREAS, such buildings are often economically obsolete and, as a result, owners are unwilling to expend the necessary funds to repair or raze the buildings; and

WHEREAS, the buildings contribute to the growth of blight, depress market values of surrounding properties, endanger the public safety and health, and are detrimental to the public good and the common welfare, thus creating an unsafe, unhealthy, and potentially hazardous nuisance condition; and

WHEREAS, other municipalities across the United States, being confronted with the above stated issues that vacant buildings and structures create in the community, have enacted similar ordinances in an attempt to combat these problems, and

WHEREAS, the City of Jasper, Alabama, maintains authority to adopt ordinances which provide for the safety, preserve the health, and promote the prosperity of its citizens under Ala. Code § 11-45-1, Code of Alabama (1975) and enforce compliance with the provisions hereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JASPER, ALABAMA, that the following is adopted:

SECTION 1. 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/Structure: Any physical object or edifice that is constructed or installed, and is located on and affixed to the land. The term(s) "building" and "structure" shall be synonymous and shall include any portion thereof.

Owner: Every person, entity, or service company who alone, jointly, or severally with others:

- (1) Has the legal or equitable title to any dwelling, dwelling unit, building, land, or structure; or

- (2) Has care, charge, or control of any dwelling, dwelling unit, building, land, or structure in any capacity including, but not limited to agent, executor, administrator, trustee, or guardian of the estate of the holder of legal title; or
- (3) Is a mortgagee under the terms of a mortgage, where the mortgagor no longer takes responsibility for the property, and where the mortgage in question contains a provision authorizing the mortgagee to act to secure or repair the property, or is a mortgagee in possession of any such property; or is a mortgagee that has instituted foreclosure proceedings against the mortgagor; or
- (4) Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such property; or
- (5) Is responsible for paying any portion of property taxes which are due on the property that a building or structure is placed.

Regular/preventive maintenance of building/structure means those activities or services which are regularly performed to real property and any building, house, edifice, or other structure which occupies real property that ensure full compliance with all code requirements of the City of Jasper and state of Alabama that includes, but is not limited to, compliance with all building, fire prevention, and zoning regulations.

Responsible Party: Owners, of any dwelling, dwelling unit, building, land or structure.

Statement of Intent: A form completed by the owner or responsible party of a vacant structure which contains specific information regarding the structure and the owner's plans for its rehabilitation, maintenance, demolition, or removal.

Vacant Building or Structure: Any commercial structure, office structure, industrial, or residential structure which has become free from use or occupancy for at least ninety (90) days, or which meets at least one of the following conditions:

- (1) Is open to casual entry or trespass;
- (2) Is damaged by fire, flood, weather, or vandalism to an extent which prohibits safe, human occupancy;
- (3) Is a site of loitering or vagrancy;
- (4) Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the City of Jasper Maintenance Code, State of Alabama Construction Code, or the International Property Maintenance Code;
- (5) Is under notice of being in violation of any City Ordinance, or is under a condemnation notice or legal order to vacate;
- (6) Has been secured or boarded up for at least ninety (90) days;
- (7) Has taxes in arrears owed to the state or city for period exceeding 365 days;
- (8) Has utilities disconnected or not in use;
- (9) Is structurally unsound; or
- (10) Is a potential hazard or danger to persons.

The term "Vacant Building" shall not include:

- (1) Unoccupied buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all city or state ordinances, codes, and regulations and for which construction, renovation, or rehabilitation is proceeding diligently to completion, or
- (2) Properties, commercial or residential, that are being actively managed, leased and/or marketed by a licensed real estate agent; or that are otherwise under contract with the owner or the owner's designee, who can demonstrate that there is a reasonable expectation that the property will be leased, rented, or sold within a mutually agreed upon time period.

Provided, however, that if a building is not a "vacant building" by reason of this exception, and if construction is halted or the Building Permit has expired or the property is no longer managed, leased and/or marketed for sale, the building shall be deemed a "vacant building", and the owner shall be required to register the vacant building or structure as a vacant building as defined in this Article.

Vacant Building Maintenance Standards: The maintenance standards to which vacant buildings are subject under this Ordinance, to include the requirements of the City of Jasper Building Codes and the International Building Code.

Vacant Building Registration Certificate: A document issued by the City of Jasper to any commercial, office, industrial, or residential structure that meets the definition of a "vacant building" as set forth in this Article.

SECTION 2. RESPONSIBLE PARTIES, LIENS

(a) Every owner, with respect to any property, shall be jointly and severally liable with every other owner for the obligations set forth in this Article.

(b) All fees, costs, charges assessed, or incurred by the City of Jasper shall be the sole responsibility of the owner and, if assessed fees, costs and charges are not timely remitted, such fees, costs and charges shall constitute a lien on the real estate upon which said building is situated. All liens assessed against the property upon which the vacant building or structure is placed shall be filed in accordance with state law.

SECTION 3. OBLIGATIONS OF OWNERS OF VACANT BUILDINGS

(a) Within thirty (30) days of a building becoming vacant as defined herein, the owner of the building shall apply for a Vacant Building Registration Certificate and pay the fee according to the fee schedule contained herein; provided, however, that all eleemosynary; religious; educational; benevolent; charitable organizations, which have been so recognized with tax

exempt status from the federal, state, or municipal government; and government agencies, which shall include but are not limited to a local housing authority, the U.S. Department of Housing and Urban Development, or other governmental agency, shall be exempt from payment of the registration fee only. The initial Vacant Building Registration Certificate shall be issued for a period of six (6) months.

(b) If the structure is still vacant at the time of expiration of the original Vacant Building Registration Certificate, the owner shall immediately apply for renewal of the certificate. At the discretion of the Chief Building Official, a renewal application for a Vacant Building Registration Certificate may be approved. An application for renewal of the original Vacant Building Registration Certificate shall not be approved after three (3) six month renewal periods or a maximum of twenty-four (24) months total.

(c) If the structure is still vacant at the time of expiration of the original (24) month Vacant Building Registration Certificate period, or if the owner fails to complete a renewal application at any point during the initial twenty four (24) month registration period, the owner of the abandoned and/or vacant structure shall immediately be subject to an annual renewal administrative fee of \$350.00.

(d) Renewed certificates shall be subject to all conditions and obligations imposed by the original certificate, including the payment of the applicable fee at each renewal.

(e) The registered owner is required to file an amended application for the registration certificate within ten (10) days of any changes contained in the original application, including occupancy or transfer. If the owner is amending his application or renewal application to correct a scrivener's error or other minor change, he shall not be required to pay any additional fee. The determination of a "minor change" shall be made at the discretion of the Chief Building Official or his/her designee.

(f) During the period of registration, the owner shall provide access to the City to conduct inspections of the building, both interior and exterior, if deemed necessary by the City and, following reasonable notice, to determine compliance with this Ordinance and other relevant codes and ordinances of the City of Jasper, Alabama.

(g) The owner of a vacant building shall comply with all laws and regulations of the City. To this end, the owner shall apply for all building, fire prevention and zoning permits necessary to maintain the structure in full compliance.

(h) The owner of a vacant building shall, at the time of application for the registration certificate, certify:

(i) that all combustible materials have been removed from the building;

(ii) that all waste, rubbish or debris has been removed from the building;

(iii) that all waste, rubbish, debris and excessive vegetation from the area surrounding the vacant building has been and will continued to be removed, including overgrown or dead trees, and vegetation be kept in accordance with Jasper City Ordinances.

(iv) that the Owner agrees to hold the City and its agents and/or employees harmless for any actions the City or its agents and/or employees must take to enforce ordinances related to nuisance abatement and property maintenance.

(i) The owner of a vacant building shall immediately lock, barricade, or secure all doors, windows, and other openings in the building to prohibit entry by unauthorized persons.

(j) The obligations of the owner of a vacant building are binding and continuing, and are effective throughout the time of building or structure remains vacant.

SECTION 4. VACANT BUILDING REGISTRATION CERTIFICATE

Application by the owner of a vacant building for a Vacant Building Registration Certificate shall be made on a form issued by the City of Jasper Building Inspections Department. The application shall include a "Statement of Intent" that sets forth, at minimum, the following information:

(a) The expected period of vacancy, including the date of initial vacancy;

(b) A plan for regular maintenance during the vacancy to comply with the Vacant Building Maintenance Standards of this Article and all of the applicable property maintenance, building and zoning codes of the City of Jasper;

(c) A plan and timeline for the lawful occupancy, rehabilitation, removal or demolition of the building;

(d) Measures to be taken to ensure that the structure will be kept weather tight, secure from trespassers, and that it will be safe for entry by public safety personnel, including police officers, firefighters, and building inspectors, in times of exigent circumstances or emergency, and at times of reasonable inspection as provided in this Article;

(e) Measures to be taken to ensure that the premises remain free from nuisance conditions; and

(f) List all persons authorized to be present in the building and provide notices of trespass to the police authorizing the arrest for trespass for individuals not on the list. The owner shall update information on the list as necessary. Provided, however, that each owner

shall provide the following information specifically on a Vacant Building Registration Certificate Application:

- (i) The address of the vacant structure;
- (ii) The legal name(s) of all owners of the property and each owner's date of birth, if applicable;
- (iii) The complete and accurate address of all owners;
- (iv) Telephone numbers each owner, including cell phone and mobile phone numbers;
- (v) Proof of identification of each owner;
- (vi) The name(s), addresses, and telephone numbers of any and all local agents or representatives authorized by the owner(s) to conduct the business affairs of the property;
- (vii) The reason for vacancy of the property;
- (viii) The estimated length of time the property is expected to remain vacant; and
- (ix) Plans for restoration, renovation, re-use or removal of the vacant structure with an accompanying timeline and work schedule, if applicable.

SECTION 5. VACANT BUILDING MAINTENANCE STANDARDS

A vacant building shall be subject to all city, state and federal codes. The premises upon which the vacant building is located shall be maintained clean, safe, and sanitary. The premises shall be free from waste, rubbish, debris or excessive vegetation in compliance with City ordinances and shall not pose a threat to the public health and safety.

SECTION 6. VACANT BUILDING/STRUCTURE REGISTRATION, RENEWAL AND ADMINISTRATIVE FEES; FEE SCHEDULES

- (1) The Vacant Building/Structure Fees shall be determined are as follows:
 - (a) **Initial Registration Certificate Fee** - shall be due at the time of initial application or any subsequent renewal(s) and paid by the owner.
 - (b) **Renewal Fee** - (for vacant single family and multi-family residential properties) shall remain consistent with the amount of the Initial Registration Fee. Renewal

of the Initial Registration Certificate is required in 6-month intervals for a maximum of 3 renewals.

(c) **Annual Administrative Fee** - (for vacant single family and multi-family residential properties) shall remain consistent with the amount of the Initial Registration Fee. The Administrative Fee will become effective at the conclusion of the Initial 24-month registration period. Any and all fees assessed under this Article shall be established to support the services rendered by the City in the course of its duties including, but not limited to, registration, data collection, monitoring, and general management of vacant or abandoned structures. Failure to register such a structure or pay the required fee shall be cause for penalties to be assessed and are violations of this Article.

(2) Fees for vacant commercial and residential buildings/structures shall be determined pursuant to the following fee schedule:

Commercial

Initial Registration Fee: \$150

Renewal Fee: \$150

Annual Administrative Fee (for continuously vacant buildings): \$350

Residential (Single Family)

Initial Registration Fee:

- (1) For owners of 20 or more vacant single-family structures on separate tax parcels: \$100
- (2) For owners of fewer than 20, but more than 3 vacant single-family structures on separate tax parcels: \$75
- (3) For owners of 3 or fewer vacant single-family structures on separate tax parcels: \$50

Residential (Multi-Family)

Initial Registration Fee:

- (1) For owners of vacant multi-family residential properties with 20 or more units: \$125
- (2) For owners of vacant multi-family residential properties with fewer than 20 units: \$100
- (3) For owners of vacant multi-family residential properties with 3 or fewer units: \$75

SECTION 6. AFFIXING CONTACT/EMERGENCY INFORMATION TO VACANT BUILDINGS

The owner or the owner's agent shall affix to the vacant building a copy of the Vacant Building Registration Certificate inside a front window, so that it can be read by law enforcement, fire department, or building department personnel as needed. In cases where all windows must be boarded up, the certificate shall be protected from weather and affixed to a suitable place on the exterior of the building.

SECTION 7. AUTHORITY FOR ENFORCEMENT; PENALTIES

- (a) The Chief Building Official, or his/her designee, is authorized to administer and enforce the provisions of this Article, including but not limited to, maintained lists setting forth the status of vacant buildings.
- (b) Upon a reasonable basis to suspect non-compliance or a violation of this Article, the Chief Building Official, or his/her designee, shall cause a notice to be generated to the last owner of the property as determined by the state tax records maintained by Walker County or the state of Alabama. The notice shall provide the owner thirty (30) days to bring the property into compliance with this Article. Notice shall be considered properly given by placing a copy of the same on the vacant building or structure and by mailing notice via the U.S. Postal Service to the owner's/owners' last known address with first-class postage prepaid.
- (c) Any person found to be in violation of any provision of this Article shall be guilty of an offense against the City of Jasper and shall be subject to the penalties prescribed in section 1-8 of the Code of Ordinances of the City of Jasper, Alabama, for each offense. Each day that a violation continues shall constitute a separate and distinct offense.
- (d) The amount of any fine issued under this Article, inclusive of the cost of boarding and enclosing, grass and weeds removal, or removal and/or demolition by the Chief Building or Inspections Official, and the cost of initiating abatement proceedings under this Article, including inspector and attorney fees, shall be recoverable from the owner or owners, and shall be a lien against the property upon which the building or structure is (or was) located and shall also be enforceable against any person specified in the order as provided by law.
- (e) The Mayor or his or her designee, upon showing of good cause, may waive any lien created under this Article.
- (f) Nothing in this section shall prevent the City from seeking other remedies for code violations through the use of any other administrative procedure or court proceedings, including the imposition of fines for violations of the Building or other city codes.

SECTION 8. ORDINANCES IN CONFLICT

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 9. SEVERABILITY


If any clause, phrase, portion, section, or subsection of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a distinct, independent, and separate provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 10. EFFECTIVE DATE


This Ordinance shall be in full force and effect upon its passage and publication as provided by Alabama law.

DONE and ORDAINED, this the 9th day of January 2024.

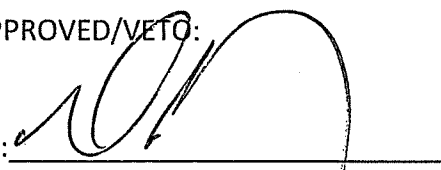
CITY COUNCIL OF THE CITY OF JASPER, ALABAMA

By: 
Hon. Jenny Brown Short
Council Presiding Officer

ATTEST:

By: 
Kathy Chambless
City Clerk

APPROVED/VETO:

By: 
Hon. David P. O'Mary
Mayor

Consider adoption of an Ordinance related to unsafe structures buildings.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Smith to adopt an Ordinance related to unsafe structures.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

(See following pages)

ORDINANCE NO.: 2024 – 03

**AN ORDINANCE TO ADOPT REVISED REGULATIONS FOR THE PROTECTION OF
THE PUBLIC FROM UNSAFE AND DANGEROUS BUILDINGS WITHIN THE CITY
OF JASPER, ALABAMA**

WHEREAS, the City Council of the City of Jasper, Alabama, has, from time to time, adopted various regulations, including the Standard Unsafe Building Code, for governance of buildings within the city limits of the City of Jasper, Alabama; and

WHEREAS, the City Council of the City of Jasper, Alabama, determines that it is appropriate to adopt different regulations and provisions governing unsafe and dangerous buildings within the city limits of the City of Jasper, Alabama; and

WHEREAS, the health and welfare of the citizens of and visitors to the City of Jasper, Alabama, will be best served by the adoption of different and further regulations of buildings which are unsafe and dangerous;

BE IT THEREFORE ORDAINED, as follows:

Section 1. Repeal of Existing Ordinances.

Article XIII of Chapter 6 of the Code of Ordinances of the City of Jasper, Alabama, consisting of Sections 5-140 through -149, inclusive, is hereby repealed and held for naught. the 2021 Edition of the International Fire Code for use and governing buildings within the City of Jasper, Alabama.

Section 2. Amendment of §5-140, Code of Ordinances.

Section 5-140, Code of Ordinances of the City of Jasper, Alabama, is hereby AMENDED to read as follows:

ARTICLE XIII - UNSAFE STRUCTURES AND DANGEROUS BUILDINGS

Sec. 5-140.1 - 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, fire marshal, 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.

Sec. 5-140.2 - 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 33 percent, or more, of damage or deterioration of one or more supporting members, or 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.

Sec. 5-140.3 - 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, mobile or manufactured homes, trailers, 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, invasive species, junked motor vehicles, and/or any other matter declared a nuisance under existing law.

Sec. 5-140.4 - 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.

Sec. 5-140.5 - Standards for repair, move, vacation, or demolition.

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.

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.

Sec. 5-140.6 - 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 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 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 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 5-140.7 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 Walker 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 Walker County, 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 Walker County, 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 Walker County, 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; or

(2) By posting notice of the order, or a copy thereof, within three 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 Walker County, 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 a newspaper of general circulation in Walker County.

(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 a publication of general circulation in Walker County, once a week for four consecutive weeks.

(e) A failure by the council to act on the findings of the appropriate municipal official within 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 120 days from the date of mailing required by subsection (b)(1) of this section.

Sec. 5-140.7 - Hearings, appeals, and extensions.

(a) After the time specified in the notice provided for by section 5-140.6 but no less than 30 days from the date the notice is given as provided for by section 5-140.6(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 of 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 of 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 days thereafter, appeal to the Circuit Court of Walker County, upon filing with the Clerk of the Circuit Court of Walker County 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) Upon the expiration of a term of twenty (20) days following 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 (c) of this section, 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 (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 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 5-140.6(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 5-140.6(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 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 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 5-140.6(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 60 days after the expiration of the then existing deadline to complete the repair, move, or demolition. The council may order multiple 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.

Sec. 5-140.8 - 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 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 5-140.6(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").

Sec. 5-140.9 - 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 Walker County, and with the Walker 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 Walker 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.

Sec. 5-140.10 - 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).

Sec. 5-140.11 - 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 5-140.6(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 5-140.6(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.

Sec. 5-140.12 - Authority of Jasper Fire Department and Jasper Police Department.

The employees of the Jasper Fire Department and Jasper 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 as quickly as practicable following the discovery of such buildings by an employee of the fire department.

Sec. 5-140.13 - Authority of City Attorney.

The city attorney is hereby authorized to:

- (1) Prosecute all persons performing any act or acts deemed unlawful under section 5-140.14 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 5-140.15 of this article.

Sec. 5-140.14 - 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 5-140.6(b)(2) or section 5-140.11(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 5-140.6 or a declaration pursuant to section 5-140.11, 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 5-140.6 or a declaration pursuant to section 5-140.11 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 5-140.6 or the declaration served pursuant to section 5-140.11 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 5-140.6 or the declaration served pursuant to section 5-140.11 and fully accepting the responsibility without condition for making the corrections or repairs required by such notice.

(i) A violation of this section shall be punishable by a fine not to exceed the sum of \$500.00 for each offense, and if a willful violation, by imprisonment, not to exceed six 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.

Sec. 5-140.15 - Civil remedies.

The continued or recurrent performance of any act or acts deemed unlawful under section 5-140.14 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.

Sec. 5-140.16 - 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.

Sec. 5-140.17 - 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.

Section 3. Codification of Sections.

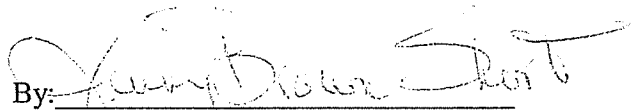
The inclusion of section numbers herein shall not constitute a binding designation upon the codification service employed by the City of Jasper, Alabama, for the assembly and maintenance of its Code of Ordinances, and a decision by the codification service to assign different section numbers or designators to any provision hereof.

Section 4. Effective Date.


This Ordinance shall become effective immediately after its passage and publication as required by the laws of the State of Alabama.

DONE and ORDAINED, this the ^{9th} ~~19th~~ day of ~~December, 2023~~ ^{January 2024}

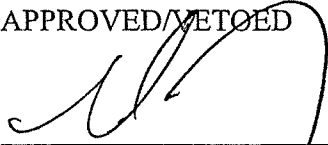
CITY COUNCIL OF THE CITY OF
JASPER, ALABAMA

By: 
Hon. Jenny Brown Short
Council Presiding Officer

ATTEST:


Hon. Kathy Chambless, City Clerk

APPROVED/VETOED


Hon. David P. O'Mary, Mayor

Comments: Mayor mentioned the community prayer breakfast held this morning was well-attended. He stressed that the event was completely privately funded, and no public money was used in conjunction with the event.

Councilmember Smith noted that the bridge removal/replacement on Highway 5 will begin soon and asked for everyone’s patience during the ALDOT project.

Presiding Officer Short announced that the next council meeting will be on January 19, followed by the next regular meeting on February 6. There will not be a work session this Friday.

Consider adjournment of the meeting.

Motion

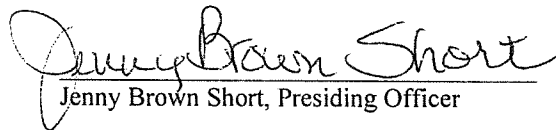
Moved by Councilmember Cowen, seconded by Councilmember Smith to adjourn the meeting.

Vote

Councilmember Danny Gambrell	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Jenny Brown Short	Yes

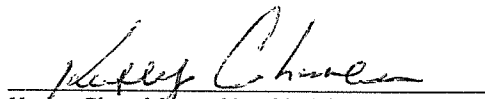
10:20 a.m. – Meeting adjourned.

APPROVED:



 Jenny Brown Short, Presiding Officer

ATTEST:



 Kathy Chambless, City Clerk/Administrator

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