

ORDINANCE NO. 1774

AN ORDINANCE TO AMEND SECTION 5 OF ORDINANCE NUMBER 1749 TO PROVIDE FOR THE REPAIR TO A BUILDING WHERE THE CONDITION OF THE BUILDING CONSTITUTES AN IMMEDIATE AND PRESENT DANGER OF RISK OF INJURY TO THE PUBLIC; AND FOR THE ASSESSMENT OF THE COST OF REPAIR THEREOF AS A MUNICIPAL LIEN OR ASSESSMENT AGAINST THE PREMISES UPON WHICH THE BUILDING IS LOCATED, AND TO PROVIDE FOR THE RECOVERY OF SUCH COSTS AS PROVIDED BY LAW.

WHEREAS, the City of Talladega, Alabama, adopted Ordinance Number 1749 to provide for the vacation, removal, repair or demolition of any building or structure which is or threatens to be a public nuisance, dangerous to the health, morals, safety or general welfare of the people of the City of Talladega, Alabama; and,

WHEREAS, since the adoption of Ordinance Number 1749, it has come to the attention of the City of Talladega that the said Ordinance does not provide a remedy to expeditiously repair a dangerous condition of a building that constitutes an immediate and present danger of risk of injury to the public; and,

WHEREAS, it is the intent of the City of Talladega, Alabama, in the interest of protecting the health, morals, safety and general welfare of the people of the City of Talladega, that a procedure be established to allow for immediate remedial action to repair a condition of a building constituting an immediate and present danger of risk of injury to the public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF TALLADEGA, ALABAMA, AS FOLLOWS:

Section 5 of Ordinance Number 1749 adopted on the 3rd day of June, 2013, by the City Council of the City of Talladega, Alabama, is hereby amended as of the date of the adoption of this Ordinance to read as follows:

SECTION 5. DUTIES OF THE APPROPRIATE MUNICIPAL OFFICIAL:

- A. Whenever the Appropriate Municipal Official (AOfficial@) upon making a visual inspection finds that any building, structure, part of building or structure, party wall, or foundation (hereinafter referred to for purposes of this Section as Athe building@) situated in the City is unsafe to the extent that it is a public nuisance, the Official shall make a determination of the extent of the unsafe, untenable or dangerous condition. The Official shall make a written record of the defective condition observed by the Official that causes the Official to conclude that the building is unsafe, untenable or dangerous. The Official shall note in the written record whether the building qualifies for repair or demolition.
- B. The Official shall verify ownership of the property based upon the current tax assessment in the office of the Revenue Commissioner of Talladega County and confirm ownership by an examination of the public records in the office of the Judge of Probate of Talladega County. The Official shall verify whether the property is subject to a real estate mortgage by an examination of the public records in the office of the Judge of Probate of Talladega County, Alabama.

- C. After verifying ownership of the property, the Official shall make a written request of the Owner for permission to enter upon the property and into any building for the purpose of further inspection. Upon securing written permission from the owner of the property, the Official shall enter upon the property and into any buildings for the purpose of conducting an inspection of the building. Following the inspection, the Official shall, as in the case of making the initial inspection, make a written record of the defective conditions observed by the Official that cause the building to be unsafe, untenable or in dangerous condition. A failure or refusal of the owner of the property to grant permission for entry into the building to the Official within fourteen (14) days of the request shall cause the notice required in Section 6 to be issued immediately by the Official without further inspection; provided however, if in the judgment of the Official the condition of the building constitutes an immediate and present danger of risk of injury to the public (Aan emergency situation@), the Official shall use the most convenient and expeditious means of notifying the owner of the property of the condition ordering the owner of the property to make immediate repair of the unsafe condition or take necessary steps to remedy the unsafe condition in such manner as to remove the risk of injury to the public. Upon failure of the owner of the property to make repair within five (5) days of the delivery of said notice, City may proceed to make the repairs to remedy the unsafe condition, and the costs thereof shall be assessed and collected as provided in Section 9. In the event of an emergency situation, all other provisions of this ordinance regarding notice and right to appeal shall be suspended.

This amendment to Ordinance Number 1749 shall take effect from and after the date of its adoption and publication, as provided by law.

ADOPTED and APPROVED this the 21st day of July, 2014

APPROVED this the 21st day of July, 2014

Council President Donnie Miller
Councilman Joe Ballow
Councilman Horace Patterson
Councilman Ricky Simpson
Councilman Jarvis Elston
City Manager Brian Muenger

Attested to: Elizabeth Cheeks, City Clerk