

CONDEMNATION

ORDINANCE NUMBER 517-96

REPAIR, VACATION, REMOVAL OR DEMOLITION OF UNSAFE BUILDINGS, AND CLEARING OF UNSAFE, UNIMPROVED PROPERTIES

SECTION 1: The purpose of this Ordinance is to provide for the repair, vacation, removal or demolition of any building or structure and the clearing of any unimproved property which is or threatens to be a public nuisance which is dangerous, unsafe, unsanitary, a menace to health, morals, safety or the general welfare, or which constitutes a fire hazard, in order to protect the health, safety, morals, welfare, well-being and comfort of the citizens of the City of Helena, Alabama.

SECTION 2: Dangerous Buildings and Unsafe, Unimproved Property Defined:

All buildings or structures and all unimproved property which have any or all of the following defects shall be deemed "dangerous buildings" or "dangerous unimproved properties":

(A) Those whose interior walls or other vertical structural 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.

(B) Those which, exclusive of the foundation, show thirty-three percent (33%), or more, damage or deterioration of the supporting member or members, or fifty percent (50%), or more, damage or deterioration of the non-supporting, enclosing or outside walls or coverings.

(C) 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.

(D) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary 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 health, morals, safety or general welfare of those living therein or adjacent thereto.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those which have parts thereof which are so attached that they may fall and injure members of the public or other property.

(I) Those, which because of their condition, are a fire hazard, unsafe, unsanitary, or dangerous to the health, morals, and safety or general welfare of the people of the city.

SECTION 3: Declared Nuisance:

All dangerous buildings and unimproved properties within the provisions of Section 1 and as defined in Section 2 are hereby declared to be public nuisances, and shall be repaired, vacated, removed, demolished, or cleared as provided hereinafter.

SECTION 4: Standards for Repair, Vacation, Removal, Demolition, or Clearance:

The Building ^{official} Inspector, in ordering repairs, vacation, removal, demolition, or clearance of dangerous buildings and unimproved properties shall be governed by the following standards:

(A) If the dangerous building can reasonably be repaired or the unimproved lot cleared so that it will no longer exist in violation of the provisions of this Ordinance, it shall be ordered repaired or cleared.

(B) If a dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered vacated.

(C) In any case where a dangerous building is fifty percent (50%) damaged, or decayed, or deteriorated from its original value of structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the provisions of this Ordinance, it shall be demolished.

(D) In all cases where a dangerous building or unimproved property is a health or fire hazard, existing or erected in violation of the provisions of this Ordinance or the Statutes of the State of Alabama, it shall be demolished or cleared.

SECTION 5: Duties of the Building ^{official} Inspector in Regard to Dangerous Buildings or

Unimproved Properties:

The Building ^{official} Inspector shall:

(A) Periodically inspect or cause to be inspected all public buildings, schools, halls, churches, theaters, hotels, tenements, and commercial, manufacturing or loft buildings and unimproved properties for the purpose of determining whether any conditions exist which render such places dangerous buildings or unimproved properties within the provisions of Section 2 hereof.

(B) Inspect any building, walls, structure or unimproved property about which complaints are filed by any person to the effect that a building, wall, structure, or unimproved property is or may be existing in violation of this Ordinance.

(C) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such buildings, as shown by the land records of the Judge of Probate of Shelby County, Alabama, of any building or unimproved property found by him to be a dangerous building or unimproved property in accordance with the following:

(1) Following his inspection thereof, in all cases where the Building Inspector finds a dangerous building or unimproved property as defined in Section 2 hereof, the Building Inspector shall provide a copy of his inspection report and a statement of the facts and conclusions resulting from his inspection as to the condition of such building, or unimproved property, to the City Council and shall request that notice be sent to the owner, occupant, lessee, mortgagee, agent and all other persons known to have an interest in such building or property.

(2) Within fifteen (15) days thereafter, the City Council shall approve or disapprove the request that notice be sent.

(3) If approved by the City Council, such notice shall state:

(a) the description of the dangerous building or dangerous unimproved property; and

(b) the particulars which make the building or structure or unimproved property a dangerous building or unimproved property; and

(c) the particulars which must be accomplished, repaired or removed in order for such building or property to comply with the terms of this Ordinance; and

(d) that the owner must vacate, repair, remove, or demolish such building or clear such unimproved property in accordance with the terms of the notice and this Ordinance; and

(e) that the mortgagee, agent or other persons having an interest in such building or property as shown by the land records of the Probate Judge of Shelby County, Alabama, may, at his own risk, vacate, repair, remove or demolish such building or clear such property or have such work done; and

(f) that any person notified to repair, vacate, remove or demolish any building or clear any unimproved property shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do or have done the work or act required by such notice; and

(g) that any person notified to repair, vacate, remove or demolish any building may apply to the City Council for one (1) additional extension of such time to do or have done the work or act required by such notice for a period of up to ninety (90) days; and

(h) that a reconsideration of and a hearing before the City Council on the order contained in such notice may be obtained by a written request made to the City Clerk within ten (10) days of the date of such notice.

(D) Place a notice on all dangerous buildings reading as follows: "This building has been found to be a dangerous building by the Building Inspector". Such notice shall remain on the said building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in such building as shown by the land records of the Probate Judge of Shelby County, Alabama. It shall be unlawful to remove the same until such notice is complied with.

(E) Appear at all hearings conducted by the City Council and testify as to the condition of dangerous buildings or unimproved properties.

(F) Report to the City Council any non-compliance with notices given under Subsection (D) hereof.

SECTION 6: Duties of the City Council:

(A) Where the owner, occupant, mortgagee, lessee, agent or other interested person shall fail to comply with any notice given by the Building Inspector, as provided for in Section 5, the Council shall give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building, as shown by the land records of the Probate Judge of Shelby County, Alabama, to appear before it, on the date determined by the Council, specified in such notice, to show cause why the building or structure or unimproved property, reported to be dangerous building or unimproved property, should not be repaired, vacated, demolished or cleared in accordance

with the statement or particulars set forth in the notice provided under Section 5 hereof.

(B) The Council shall provide a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in such building or property, as shown by the land records of the Probate Judge of Shelby County, Alabama, shall offer relative to the dangerous building or property.

(C) The Council shall determine from the testimony offered whether or not the building or unimproved property in question is a dangerous building or property within the terms of Section 2 hereof.

(D) Where the building or unimproved property is determined to be a dangerous building or unimproved property, the Council shall issue an order commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such buildings or property, as shown by the land records of the Probate Judge of Shelby County, Alabama, to repair, vacate, or demolish any building found to be a dangerous building or clear any unimproved property, provided, that any person so notified, except the owners, shall have the privilege of either vacating or repairing such dangerous building. Further, any person not the owner of such dangerous building or property but having an interest in such building or property, as shown by the land records of the Probate Judge of Shelby County, Alabama, may demolish such dangerous building or clear such property at his own risk to prevent the acquiring of a lien by the City against the land upon which such dangerous building stands, or property lies, as provided in Subsection (E).

(E) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in Subsection 6(D) within the time limit set by the order to do so, the City Council shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards provided in Section 4, and shall, with the assistance of the City Attorney, assess the costs of such repair, vacation, demolition, and/or cost of clearing to be charged against the land as a municipal lien, the same to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable

and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this City, the City Council shall notify the City Attorney to take legal action to force the owners to make all necessary repairs or demolish the building or clear the unimproved property.

SECTION 7: Emergency Cases:

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building is immediately repaired, vacated, removed, or demolished

or unless a dangerous unimproved property is not cleared, the Building Inspector shall report such facts to the City Council and the City Council shall cause the immediate repair, vacation, removal or demolition of such dangerous building or clearance of such dangerous property. The costs of such emergency repair, vacation, removal, demolition or clearance shall be collected in the same manner as provided in Section 6, Subsection (E).

SECTION 8: Where Owner Absent from City:

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notices or orders shall be sent by certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in such building or property as shown by the land records of the Probate Judge of Shelby County, Alabama, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building or unimproved property to which it relates. Such mailing and posting shall be deemed adequate service.

SECTION 9: Violations, Penalties for Disregarding Notices, etc.:

(A) The owner of any dangerous building or property who shall fail to comply with any notice or order to repair, vacate, remove or demolish said building or clear said property given by any person authorized by this Ordinance, shall be guilty of a misdemeanor.

(B) The occupant or lessee in possession who fails to comply with any notice to vacate, or to repair said building or to clear such property in accordance with any notice given as provided for in this Ordinance shall be guilty of a misdemeanor.

(C) Any person removing the notices provided for in this Ordinance shall be guilty of a misdemeanor.

(D) Each day's violation of the provisions hereof shall constitute a separate offense.

SECTION 10: Duties of the City Attorney:

(A) Cause the Building Inspector to prosecute all persons failing to comply with the terms of the notices provided for in Section 5(C)(3) and the orders provided for in Section 6(D).

(B) Appear at all hearings before the City Council in regard to "dangerous buildings" or "unimproved properties".

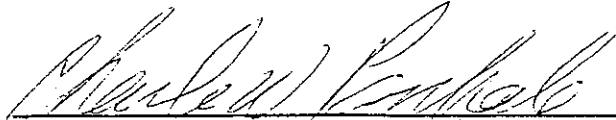
(C) Bring suit to collect all municipal liens, expenditures or costs incurred by the City in repairing or causing to be vacated to demolish "dangerous buildings" and the clearing of "dangerous unimproved properties."

(D) Take such other legal action as is necessary to carry out the terms, provisions and intent of this Ordinance.

SECTION 11: This Ordinance shall take effect and be in force immediately upon its passage and publication.


ADOPTED this the 18 day of November, 1996.

CITY OF HELENA, ALABAMA



Charles Penhale, Mayor

ATTEST:



City Clerk