

AN ORDINANCE PROVIDING 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 CITIZENS OF THE CITY OF ROANOKE OR WHICH MIGHT TEND TO CONSTITUTE A FIRE MENACE: AND FOR THE ASSESSMENT OF THE COST OF VACATION, REMOVAL, REPAIR OR DEMOLITION THEREOF AS A MUNICIPAL LIEN OR ASSESSMENT AGAINST SUCH PREMISES AND TO PROVIDE FOR THE RECOVERY OF SUCH CAST IN AN ACTION AT LAW.

PREAMBLE

WHEREAS, the City of Roanoke has power to maintain the health and cleanliness of the City within the City Limits and pursuant to the Code of Alabama, 1975, as amended, may provide by Ordinance for the prevention of contagious, infectious and pestilential diseases into the City and to adopt such Ordinances and regulations as the City Council may deem necessary to insure good sanitary condition in public places or in private premises located within the City Limits, and

WHEREAS, in the City of Roanoke there are or, in the future may be buildings or structures which are dilapidated, unsafe, dangerous, unsanitary, a menace to health, morals, safety, and general welfare of the citizens of said City and which might constitute a fire menace, and which are a public nuisance:

NOW, THEREFORE, THE CITY COUNCIL of the City of Roanoke does ordain as follows:

SECTION ONE

DANGEROUS BUILDINGS DEFINED.

All buildings or structures which have any or all of the following defects shall be deemed "Dangerous Buildings":

- (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 (33%) per cent or more of damage or deterioration of the supporting member or members, or fifty (50%) per cent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- (c) Those which have improperly distributed loads upon floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

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(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 welfare and health of the occupants or the people of the City of Roanoke.

(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 nearby.

(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 or nearby.

(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 evacuation.

(h) Those which have parts thereof which are so attached that they may fall and injure members of the public or cause damage to property.

(i) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this City.

SECTION TWO

STANDARDS FOR REPAIR, VACATION OR DEMOLITION.

The following standards shall be followed in substances by the Building Inspector in ordering repair, vacation or demolition:

(a) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be ordered repaired.

(b) If the "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 to be vacated.

(c) In any case where a "dangerous building" is fifty (50%) per cent damaged, decayed, or deteriorated from its original value or 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 terms of this ordinance it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this ordinance it

shall be demolished.

SECTION THREE

DANGEROUS BUILDINGS - NUISANCES.

All "dangerous buildings" within the terms of Section One of this ordinance are hereby declared to public nuisances, and shall be repaired, vacated, or demolished as hereinabove and hereinafter provided.

SECTION FOUR

INSPECTION OF BUILDING

THE CITY SHALL:

(a) 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 ordinance.

(b) Inspect any building, wall or structure reported (as hereinafter provided) by the Fire or Police Department of this City as probably existing in violation of this ordinance,

(c) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest, as shown in the Office of the Judge of Probate of Randolph County, Alabama, in any such "dangerous building" as defined herein, which said notice shall contain a description of the building or structure deemed unsafe, as statement of the particulars which make the building or structure a "dangerous building", an order requiring the same to be put in such condition to comply with the terms of this ordinance, and a reasonable date, not to exceed sixty (60) days from the notice, by which said order must be complied.

(d) Report will be made to the City Council any non-compliance with the "notice" provided for in subsection (c) above.

(e) Placement of notice on all "dangerous buildings" reading as follows:

"This building has been found to be a dangerous building by the City of Roanoke. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice and order which has been given the owner, occupant, lessee, mortgage, agent, and all other personal having an interest therein. It is unlawful to remove this notice until full compliance with said order."

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SECTION FIVEDUTIES OF PERSONS UPON RECEIPT OF NOTICE

Upon receipt of said notice:

- (1) The owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this ordinance;
- (2) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;
- (3) The mortgagee, agent, or other persons having an interest in said building as shown in the office of the Judge of Probate of Randolph County, Alabama, may at his own risk repair, vacate or demolish said building.

SECTION SIXDUTIES OF THE CITY COUNCIL

THE CITY COUNCIL SHALL:

- (a) Upon receipt of a report of the Inspection of building as provided in Section 4(d) above, cause written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown in the Office of the Judge of Probate of Randolph County, Alabama, to appear before the City Council on the date specified in said notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished as ordered by the City Council.
- (b) Hold a hearing and take such testimony and evidence as the City of Roanoke or the owner, occupant, mortgagee, lessee, or any other persons having an interest in said building shall offer relative to the "dangerous building."
- (c) Determine from the testimony and evidence offered pursuant to subsection (b) as to whether or not the building in question is a "dangerous building" within the terms of this ordinance.
- (d) Issue an order commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this ordinance.
- (e) If the owner, occupant, mortgagee, lessee, agent, or person having an interest in said building fails to comply with the order provided for in sub-section (d) hereof, within thirty (30) days, or any emergency is declared in accordance with Section Eight hereof, the City Council shall cause such building or structure to be repaired, vacated, or demolished

to be charged against the land on which the building existed as a municipal lien or cause such costs 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 owner to make all necessary repairs or demolish the building.

SECTION SEVEN

VIOLATIONS - PENALTY FOR DISREGARDING NOTICES OR ORDERS

The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by any person authorized by this ordinance to give such notice or order shall be guilty of a Class C misdemeanor and upon conviction thereof shall be punished as provided in Code of Alabama, 1975, as amended. Each day's violation of the provisions of this ordinance shall constitute a separate offense, punishable as herein provided.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this ordinance shall be guilty of a Class C misdemeanor and upon conviction thereof shall be punished as provided in Code of Alabama, 1975, as amended. Each day's violation of this ordinance shall constitute a separate offense, punishable as herein provided.

Any person removing the notice placed by the City of Roanoke pursuant to this ordinance shall be guilty of a Class C misdemeanor and upon conviction thereof shall be punished as provided for in Code of Alabama, 1975, as amended, for each offense.

SECTION EIGHT

EMERGENCY CASES

In cases where it reasonable appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated or demolished it shall be reported such facts to the City Council and the City Council shall declare an emergency and cause the immediate repair, vacation, or demolition of such "dangerouse buildings"

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shall be collected pursuant to Section Six, Subsection (e) hereof.

SECTION NINE

SERVICE OF NOTICES

All notices or orders provided for herein shall be personally served or served by Certified Mail to the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the land records in the Office of the Judge of Probate of Randolph 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" to which it relates. Such mailing and posting shall be deemed adequate service.

SECTION TEN

DUTIES OF THE CITY ATTORNEY

THE CITY ATTORNEY SHALL:

- (a) Prosecute all persons violating the terms of this ordinance;
- (b) Appear at all hearings before the City Council in regard to "dangerous buildings".

SECTION ELEVEN

ADMINISTRATIVE LIABILITY

No officer, agent, or employee of the City of Roanoke, shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance. Any suit brought against any officer, agent, or employee of the City of Roanoke as a result of any act required or permitted in the discharge of his duties under the ordinance shall be defended by the City Attorney until final determination of the proceedings therein.

SECTION TWELVE

DUTIES OF POLICE AND FIRE DEPARTMENTS

All employees of the Police and Fire Departments shall make a report in writing to the City Council of any buildings or structures which they deem are, may be, or are suspected to be "dangerous buildings" within the terms of this ordinance. Such reports must be delivered to the City Council within twenty-four (24) hours of the discovery of such buildings by such employees.

SECTION FOURTEEN

SEVERABILITY

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

SECTION FIFTEEN

EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED on the 9 day of January, 1989, by the City Council of the City of Roanoke, Alabama, a Municipal Corporation.

APPROVED:

[Handwritten Signature]

Mayor

ATTEST:

Judy R Young

City Clerk

J. M. Chas Robinson

Council Member

Betty S. Ziglar

Council Member

Mark Arthur Bell

Council Member

Michael Joiner

Council Member

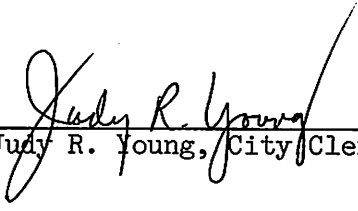
Sam Don

Council Member

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CERTIFICATION

I, Judy R. Young, as the City Clerk of the City of Roanoke, Alabama, hereby certify that the foregoing Ordinance No. 652, was passed and adopted by the Mayor and City Council for the City of Roanoke, Alabama on the 9th day of January, 1989, and was herein recorded and was published in the Randolph Leader of general circulation in the City of Roanoke, Alabama on the 11th day of January, 1989.



Judy R. Young, City Clerk