

Unsafe Buildings and Dilapidated Structures

An Amendment to Ordinance 484 to Provide for Demolition of Unsafe Buildings and Dilapidated Structures

BE IT ORDAINED by The City Council of Dadeville, Alabama as follows: Unsafe Structures, Dilapidated Structures Are Declared A Public Nuisance Section 1-54. That Ordinance Number 484 adopted by the City of Dadeville on November 12, 2013 be amended as follows:

There is hereby adopted by the city council, for purposes of prescribing regulations governing the elimination or repair of unsafe buildings and dilapidated structures the following sections of the 2006 International Building Code, of which code not less than three (3) copies are in the offices of the Building Inspector and Fire Chief of the City of Dadeville and the same are hereby adopted and incorporated as if fully set out at length herein and from the date on which this section shall be controlling within the corporate limits of the City of Dadeville, Alabama.

Unsafe Buildings and Dilapidated Structures

1-55 Conditions – Buildings or dilapidated structures that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

1-56 Record – The building official shall cause a report to be filed on an unsafe /dilapidated structure. The report shall state the occupancy of the structure and the nature of the condition.

1-57 Notice- If an unsafe/ dilapidated condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

1-58 Method of Service- Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with return receipt requested; (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

1-59 Restoration- The buildings or structures determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alteration, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

1-60 Initiation of Complaint- A Complaint of an unsafe building or dilapidated structure requesting a resolution in declaring a public nuisance and order of abatement may be initiated by a private citizen, and adjoining property owner or by municipal official designated by the mayor. The identity of the complainant and the complaint shall be a matter of public record.

1-61 Resolution declaring Unsafe, Dilapidated Structures a nuisance and ordering abatement- Whenever any structure(s) are identified by the building inspector, the council may, by resolution, declare the structure(s) to be a public nuisance and order its abatement. The resolution shall refer to the street by the name under which it is commonly known, describe the property upon which the nuisance exists by giving a legal description of the property and no other description of the property shall be required. Any number of streets, sidewalks or parcels of private property, may be included in one resolution.

1-62 Notice of owner- After the passage of the resolution by the city council, notice of a public hearing on the matter shall be given by certified mail, return receipt requested, mailed thirty (30) days prior to the date of the hearing and shall inform the owner of the time, date and place of the hearing and the reason for the hearing. The notice shall be mailed to the owner of the property as the information appears on the records of the office of the tax assessor.

All notices shall carry a list of names of persons or private contractors, or both, who perform the work and are registered with the city clerk. The names shall not constitute a recommendation and the failure to include a list shall in no way affect the operation of this ordinance.

Notice shall also be given by publication in a newspaper of general circulation within the city once a week for two (2) consecutive weeks. The first notice shall be published at least fourteen (14) days prior to the date of the scheduled hearing.

In addition, two (2) signs shall be conspicuously posted on the property. The wording of the signs shall not be less than one (1) inch in height and shall be in substantially the following form:

Notice of Demolition of Unsafe/Dilapidated Structure

Notice is hereby given that on the ____ day of _____ at _____ a.m/p.m. in the Council Chamber, the Council of the City of Dadeville will consider a resolution regarding the unsafe or dilapidated structure(s) of _____ street in the City of Dadeville, Alabama, and more particularly described in the resolution, a copy of which is on file in the office of the City Clerk; and at that time and place will determine whether the structure(s) constitutes a public nuisance which shall be abated by the demolition of the

structure(s); and , if so, will order the abatement and removal of the nuisance, in which case the cost of abatement and removal shall be assessed upon the lots and lands from which are removed, and the cost shall be added to the next regular bills for taxes levied against the respective lots and lands for municipal purposes. The amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected. The amounts shall be subject to the same commissions and fees and the same procedures for foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

If no objections are filed with the City Clerk at least five (5) days before the meeting of the Council and unless the person appears before the Council in person or through his or her representative to show, if any why his or her objection should be sustained, it shall be presumed that the person accepts the notice as fact and waives any rights he or she may have to contest the removal of the structure and the action of the Council shall be final unless good and sufficient cause can be otherwise shown.

Reference is hereby made to the resolution, on file in the office of the City Clerk, for further particulars.

NUISANCES

DATED this the 25th day of June, 2019.

CITY OF DADEVILLE, ALABAMA

BY: Debbie M. Myler
City Clerk

1-63 Entry of municipal employees and agents on property to abate nuisance; abatement by private contractor; right of owner to have structure(s) removed at owner's expense.

After the council passes the resolution finding the conditions of the property to be a nuisance and ordering its abatement, all employees and duly authorized agents of the city may enter upon private property for that purpose.

The council may, as its option, authorize private contractors, companies, enterprises, or individuals to abate and remove the nuisance. The council, by resolution, shall designate the contractors, companies, enterprises, or individuals who may perform the work. Those persons so designated may enter upon private property for the purposes of abating or removing the nuisance. For purposes of this article compliance with the competitive bid law is not required.

Any property owner shall have the right to have any structure made safe or demolished at his or her own expense providing the approved repair or removal is done prior to the commencing of the work by the employees or agents of the city to do the same. The city reserves the right to inspect the structure removal and require approval by the appropriate designated city official upon notice of completion by the property owner.

1-64 Account of cost of abatement or removal of nuisance; report to governing body; posting of report.

The mayor or his authorized representatives shall keep an account of the cost of abating or removing the nuisance in front of or on each separate lot or parcel of land where work is done by the city or its employees, or by a duly authorized private contractor, company, enterprise, or individual, and shall render an itemized report in writing to the council showing the cost of removing the nuisance on each separate lot, or in front of the lot and before the report is submitted to the council, a copy of the report shall be posted for at least five (5) days prior thereto on or near the chamber door of the council, together with a notice of the time when the report shall be submitted to the council for confirmation.

1-65 Hearing on cost abatement or removal of nuisance; cost to constitute structure liens; report to tax collector; amounts to be included in tax bills; collection.

At the time fixed for receiving and considering said report, the council shall hear the same, together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating said nuisance and thereupon make such modifications in the report as it deems necessary, after which by motion or resolution said report shall be confirmed. The amounts of the cost for abating such nuisance in front of or upon the various parcels of land mentioned in said report shall hereinafter be referred to as "structure liens" and as thus made and confirmed shall constitute a structure lien on said property for the amount of such structure liens, respectively. After confirmation of said reports, a copy shall be turned over to the tax collector of Tallapoosa County, who, under the "optional method of taxation", is charged with the collection of the city's municipal taxes pursuant to {Code of Alabama, 1975,} Sections 11-51-40 through 11-51-74 whereupon it shall be the duty of said tax collector to add the amounts of the respective structure liens to the next regular bills for taxes at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in the case of delinquency.

ADOPTED this 25th day of June, 2019.

Wayne Smith

MAYOR

ATTEST:

Debbie M. Minor
CITY CLERK

CERTIFICATION OF CITY CLERK

The undersigned, as Clerk of the City of Dadeville, Alabama, hereby certified that the foregoing is a true, correct and complete copy of Amended Ordinance No. 484 which was adopted by the Council on the 25th day of June, 2019.

WITNESS MY SIGNATURE, as Clerk of the City of Dadeville, Alabama, under the seal thereof, this 25th day of June, 2019.

Debbie M. Minor
As Clerk of the City of Dadeville, Alabama

SEAL

