

ORDINANCE NO. 2007-08

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CENTER POINT, ALABAMA CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, DIVISION 2 PERMITS AND APPROVALS, SECTION 6-62 AND SECTION 6-64

BE IT ORDAINED by the City Council of the City of Center Point, Alabama as follows:

Section 1. Chapter 6, Buildings and Building Regulations, Division 2, Permits and Approvals, Sec. 6-62 of the Code of Ordinances of the City of Center Point, Alabama adopted February 22, 2007 shall be repealed and a new Sec. 6-62, including a new name for the section, shall be adopted as follows:

Sec. 6-62 Issuance of Permits; Expiration, Suspension or Revocation

- (a) The purpose of permitting plans and specifications is to assure compliance with this article. The official's review and permitting of plans and specifications is not intended as approval of the overall layout, structural design, situation control, or construction procedures. The responsibilities shall remain with, and be those of the owner and/or his contractors.
- (b) The application, plans and specifications, reports, affidavits and other required documents shall be filed with the official as required by this article. Such plans may be review by other departments of the City to assess compliance with the laws and ordinances under their jurisdiction. If the official is satisfied that the work described in an application for a permit and the plans and specifications filed therewith conform to the requirements of this article and other pertinent laws and ordinances, that all applicable fees have been paid and necessary surety obtained, he shall issue a permit to the owner/contractor.
- (c) One (1) set of permitted plans, specifications and other required documents shall be retained by the City/official for a period of not less than one (1) year from date of completion of the permitted work covered therein. It shall be the responsibility of the owner/contractor to maintain one (1) set of the permitted plans, specifications and other required documents on the site at all times during which the work authorized thereby is in progress.
- (d) All permits issued by the City/official under the provisions of this article shall expire by limitation and become null and void twenty-four (24) months from the date of issuance of the permit. In addition, all permits issued by the City/official under the provisions of this article shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the issuance of the permit; provided, that one (1) or more renewals of such permit may be granted, upon written request to the official for good cause shown and upon the payment of original permit fee to cover the cost of the City in considering such request for renewal so long as the work shall comply with all the requirements of this chapter and other applicable laws and

regulations in effect at the time the renewal is in effect.

- (e) The work authorized by such permit shall not be suspended or abandoned at any time after the work has commenced and shall be carried to completion or the permit shall be terminated by the City/official and become void. Work authorized by a permit shall be assumed to be abandoned or suspended if no work is conducted at the site for a period of fourteen (14) consecutive days as determined by the City/official. The applicant must show to the City official, good cause for not conducting work during such period, the City official may, at their discretion, choose not to terminate such permit.
- (f) Any existing permit issued prior to the adoption of this article shall comply with the provisions of this article or any provisions of any regulation or any other ordinances. The owner/contractor shall be notified in writing of the provisions of this article.
- (g) The City/official may suspend or revoke a permit issued under provisions of this article by giving notice in writing to the owner/contractor whenever the permit is issued in error, or on the basis of incorrect information supplied or in violation of any of the provisions of this article, or any of the provisions of any regulation or other ordinance.
- (h) The work or use authorized under the permit issued in accordance with the provisions of this article shall only be as expressly set forth in such permit, and to the extent expressly incorporated by the permit and the application submitted in connection with such permit, including, if applicable the plans and other written documentation. Should the owner/contractor desire to significantly modify the scope and/or nature of the work to be conducted pursuant to a permit issued by the City, or if the cost of construction exceed that which was submitted to or determined by the City/official as the basis for the cost of the permit fees addressed in Chapter 6, Division 2, Section 6-59, Schedule of fees for building and construction permits, the owner/contractor must submit a revised application for such work in accordance with the provisions of this article. At the option of the official, the permit previously issued may be amended or a new permit issued; provided that such application meets the requirements of this article, that any additional fees are paid, and that all of the other requirements of this section have been satisfied. In the event that the cost of construction exceeds that originally submitted or determined to be the appropriate basis for the permit fee, the submitting owner/contractor or other person submitting the original application shall be responsible for any additional fees due after calculating the permit upon the updated estimate or construction cost. A failure to revise or update said permit when costs exceed that originally made within thirty (30) days of the date upon which said permit is exceeded shall result in an administrative penalty of double the cost of the revised permit in addition to all other penalties which may be imposed for a violation of said ordinance.
- (i) The issuance or granting of a permit shall not allow, or be construed as approval of, violation of any of the provisions of this article or any other laws or regulations. Such permit shall not be valid, except insofar as the work or use which it authorizes is lawful.
- (j) The issuance of a permit shall not prevent City/official from thereafter requiring that (i) errors or inaccuracies in the approved application, including the related plans and specifications, be corrected, (ii) changes due to unforeseen problems in the approved application, including the related plans and specifications, be made, or, (iii) other modifications be made to the permitted plans and specifications and in the conduct of operations at the site if significant problems occur which were not considered at the time the permit was issued. The City/official may require that all work at the site be

suspended until corrections, changes, or modifications have been made to the satisfaction of the official. In the event corrections, changes or modifications are not made to the satisfaction of the official within the time specified by the official, the official may (i) revoke the related permit, (ii) cause all work being performed at the site to cease, and (iii) cause such additional work to be performed, at the expense of the applicant, as the official determines will eliminate any hazards or nuisances existing at the site.

Section 2. A new Chapter 6, Buildings and Building Regulations, Division 2, Permits and Approvals, Section 6-64 shall be named and established as follows:

Sec. 6-64 Termination, Cancellation, Expiration or Revocation of Permit, Suspension or Abandonment of Work

Upon the termination, cancellation or revocation of a permit, the official may cause such additional work to be performed, at the expense of the applicant, as the official determines will eliminate any hazards or nuisances existing at the site. Without limiting the generality of the foregoing, in addition to other rights that the City may have with respect to bonds, or other security required by this article, upon termination, cancellation, expiration or revocation of a permit, required bonds or other security may be used to correct or eliminate hazards, or nuisances or complete the work authorized under the permit.

Section 3. Reserved section numbers in Chapter 6, Buildings and Building Regulations, Division 2, Permits and Approvals, Sections 6-64 – 6.84. Reserved shall be renumbered to read “Sections 6-65 – 6-84. Reserved.”

Section 4. Repealer: All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Center Point, Alabama that are consistent with the provisions of this Ordinance are hereby expressly repealed.

Section 5. Severability: If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

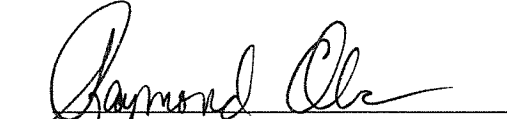
Section 6. Effective Date: This ordinance shall become effective immediately upon its adoption and publication or posting as provided by law.

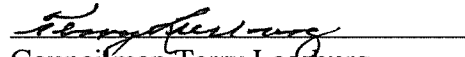
ADOPTED this the 12th day of July, 2007.

Roger A Barlow, Council President


Wink Chapman
Councilman Wink Chapman

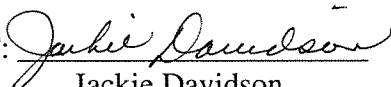

Councilwoman Linda Kennemur


Councilman Raymond Olan


Councilman Terry Leesburg

APPROVED this 13th day of July, 2007.


Tom Henderson
Mayor, City of Center Point

ATTEST: 
Jackie Davidson
City Clerk

CERTIFICATION

I, Jackie Davidson, City Clerk of the City of Center Point, Alabama do hereby
Certify that the following is a true and correct copy of Ordinance Number 2007-08
of the City of Center Point, Alabama, adopted on July 12, 2007,
and posted in the following places:

Center Point City Hall

Center Point Fire District – Station 1

United States Post Office – Center Point Branch

Wal Mart Neighborhood Market

on July 25, 2007, and effective five days thereafter.

Given under my hand and seal this 25th day of July,
2007.

Jackie Davidson
Jackie Davidson, City Clerk
City of Center Point

July 15, 2007

PUBLIC NOTICE

Attached are copies of the Ordinances adopted at the regular City Council meeting held on Thursday, July 12, 2007 at the Center Point City Hall at 7:00 p.m.

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|-------------------|---|
| Ordinance 2007-08 | An Ordinance to amend the Code of Ordinances of the City of Center Point, Alabama, Chapter 6, Buildings and Building Regulations, Division 2, Permits and Approvals, Section 6-62 and Section 6-64 |
| Ordinance 2007-09 | An Ordinance of the City of Center Point, Alabama establishing traffic Control devices at the following location in Center Point, Jefferson County, Alabama – Intersection of 23 rd Avenue, NE and 25 th Avenue, NE |
| Ordinance 2007-10 | An Ordinance to annex property contiguous to the City into the City of Center Point owned by Green Living Trust, John G. and Mary Edna Green located at 1802 Hillcrest Road, NE |
| Ordinance 2007-11 | An Ordinance to annex property contiguous to the City into the City of Center Point owned by Mary H. Green and John G. Green located at 1806 Hillcrest Road, NE |

Copies of these documents are posted this date in the following places:

Center Point City Hall
Center Point Fire District
United States Post Office – Center Point Branch
Wal-Mart Neighborhood Market

Jackie Davidson, City Clerk