

ORDINANCE NO. 1933

**AN ORDINANCE TO CREATE AN
EMERGENCY PROCEDURE TO DELAY
DEMOLITION OF CONDEMNED BUILDINGS AND STRUCTURES**

Sponsored by: Councilman Troy L. Ephriam

WHEREAS, the City of Prichard has in place certain procedures for declaring buildings and structures to be a public nuisance and to order the demolition of same;

WHEREAS, the city continues to receive requests from interested persons to delay demolition after the property has been declared a public nuisance, demolition has been ordered and the time for appeal has expired;

WHEREAS, the City of Prichard desires to establish an emergency procedure to delay demolition and allow for repair of such buildings and structures under certain conditions;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF PRICHARD, ALABAMA, as follows:**

Section 1. Definitions. For the purpose of this ordinance, the following terms shall have the meaning ascribed herein:

- a) Building Code - shall mean that Code adopted by Ordinance No. 1762, as the same may from time to time be amended, and any ordinance or code adopted by the governing body which supercedes or supplants, in whole or in part, Ordinance No. 1762.
- b) Condemned Property - shall mean any building or structure which has been determined by the governing body to be unsafe to the extent that it is a public nuisance and has been ordered to be demolished pursuant to Ordinance No. 1912.
- c) Financial Responsibility Form - shall mean the form prescribed by the governing body designed to show that the Interested Person is immediately financially able to render the Condemned Property in a condition in full compliance with the Building Code.
- c) Interested Person - shall mean the owner of property, the owner of

an interest in the property, the person last assessing the property for state taxes, or the mortgagee(s) of record of property which has been declared by the City Council of the City of Prichard, Alabama to be a public nuisance pursuant to Ordinance No. 1912 as may from time to time be amended.

Section 2. After the governing body has declared a building or structure to be a public nuisance and has ordered said building or structure to be demolished and the time within which to appeal said order has expired, but prior to the time demolition of the building or structure has begun, an Interested Person may file with the city clerk an Emergency Request to Delay Demolition.

Section 3. The Emergency Request to Delay Demolition shall contain the following:

- a) The name and address of the Interested Person;
- b) The interest that the Interested Person holds or owns in the Condemned Property;
- c) A statement of financial responsibility - showing that the Interested Person has secured financing or has funds available on hand in a verifiable account to render the Condemned Property in a condition in full compliance with the Building Code within 30 days of the date that the governing body makes a decision on the Emergency Request to Delay Demolition. The statement of financial responsibility must meet the approval of the Building Official.
- d) A fully executed contract for construction with an entity licensed by the City of Prichard which demonstrates that the Condemned Property will be brought into full compliance with the Building Code within 30 days from the date that the governing body makes a decision on the Emergency Request to Delay Demolition. The contract must meet the approval of the Building Official.
- e) A fully executed waiver of liability and compliance agreement in a form prescribed by the governing body.

Section 4. Upon receipt of an Emergency Request to Delay Demolition, the city clerk shall place the same on the next regular agenda of the governing body for a hearing to determine whether the Emergency Request to Delay Demolition shall be granted or denied. The city clerk shall also serve a copy of the Request upon the Building Official who must sign and date a copy of same to be maintained by the city clerk.



Section 5. Upon holding the hearing on the Emergency Request to Delay Demolition, if the governing body shall determine that request meets the provisions of Section 3 hereof, it shall grant the request for delay of demolition, otherwise, the request shall be denied. In the event that the governing body grants the request, a limited building permit may be issued by the Building Official not inconsistent with subparagraphs (c) and (d) of Section 3.

Section 6. The granting of the Emergency Request to Delay Demolition shall not waive or forgive any costs and expenses incurred by the city either before or after the Emergency Request is granted.

Section 7. This ordinance shall be effective in only those situations where the remedies provided in Ordinance No. 1912, as amended, have expired and shall not be construed to affect any remedy or procedure contained in said Ordinance.

Section 8. This ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this the 22nd day of September, 2005.

APPROVED:



RONALD K. DAVIS, Mayor

ATTEST:



DARLENE PALMER LEWIS, City Clerk