

ORDINANCE NO. 170220 - 2

REMEDY OR DEMOLITION OF UNSAFE STRUCTURES

WHEREAS, the Town Council of the Town of Wilsonville, Alabama, has determined that it is expedient, convenient, and in the best interest of the health, safety, and welfare of the citizens of the town to provide a method for identifying and remedying or demolishing unsafe structures;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Wilsonville, Alabama, as follows:

Section 1. Pursuant to the police power granted in the Code of Ala. 1975, as amended, including but not limited to §§ 6-5-122, 11-43-59, 11-47-117, and 11-53-2, the Town of Wilsonville may, after notice as provided herein, move or demolish buildings or structures, or parts of buildings or structures, party walls, or foundations when found to be unsafe to the extent of creating a public nuisance from any cause.

Section 2. There is hereby created the Wilsonville Unsafe Building Abatement Board consisting of five members who are residents of the town, nominated by the Mayor and appointed by the Town Council for staggered 5-year terms, with one member appointed for a term of 1, 2, 3, 4, and 5 years respectively. Notwithstanding the foregoing provision, one member of the Board may be the Mayor or a council member who shall serve for a term equal to his or her term of office. If the Mayor is not serving as a member of the Board, he or she may participate in Board proceedings as a non-voting ex officio member. The Board shall perform the duties delegated by this ordinance.

Section 3. Whenever the Board finds that any building, structure, part of a building or structure, party wall, or foundation situated within the town is unsafe to the extent that it creates a public nuisance from any cause, it shall give notice to the person or persons, firm, association, or corporation last assessed for state ad valorem taxes on the property by personally delivering a copy of the notice to remedy the unsafe or dangerous condition of the building or structure, or to demolish the building or structure, within a reasonable time set out in the notice to the person or legal entity to whom the property was assessed for ad valorem taxes, not more than 60 days following the notice. If the unsafe condition is not remedied within 60 days, the building or structure shall be demolished and removed by the town and the costs shall be assessed against the property. In the event that the personal delivery is unsuccessful, the notice may be given by registered or certified mail. The mailing of the notice by registered or certified mail, properly addressed and postage prepaid to the address where the notice for ad valorem taxes for the last tax year was mailed, shall constitute notice as required by this ordinance. A copy of the notice shall also be posted at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location upon the building or structure.

Section 4. Within the time specified in the notice, but not more than 60 days from the date notice is given, any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing before the Town Council, together with any

objection to the finding by the Board that the building or structure is unsafe to the extent of creating a public nuisance. The filing of the request shall delay any action on the finding of the Board until a determination is made. A hearing shall be held not less than 10 nor more than 60 days after the request. At the hearing, or in the event no hearing is timely requested, after the expiration of 60 days from the date the notice is given, the Town Council shall determine whether or not the building or structure is unsafe to the extent that it creates a public nuisance. Not less than 15 days notice of the meeting of the Town Council, and that a determination will be made at the meeting, shall be given to the person or persons, firm, association, or corporation last assessed for state ad valorem taxes on the property by registered or certified mail. The mailing of the notice by registered or certified mail, properly addressed and postage prepaid to the address where the notice for ad valorem taxes for the last tax year was mailed, shall constitute notice as required by this ordinance. A copy of the notice shall also be posted at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location upon the building or structure. If a building or structure is determined to be unsafe to the extent that it creates a public nuisance, the Town Council shall order the building or structure to be demolished and removed 30 days following the determination. The town may actually perform or contract for the performance of the demolition and removal of the building or structure, and may sell or otherwise dispose of salvaged materials resulting from the demolition and removal.

Section 5. Upon demolition and removal of a building or structure, the Board shall make a report to the Town Council of the cost. The Town Council shall adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and removal and assess the costs against the property. The proceeds of any monies received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition and removal. Any person, firm, or corporation having an interest in the property may be heard at the meeting concerning any objection he or she may have to the fixing of the costs. Not less than 15 days notice of the meeting of the Town Council, and that fixing of the costs will be considered at the meeting, shall be given to the person or persons, firm, association, or corporation last assessed for state ad valorem taxes on the property by registered or certified mail. The mailing of the notice by registered or certified mail, properly addressed and postage prepaid to the address where the notice for ad valorem taxes for the last tax year was mailed, shall constitute notice as required by this ordinance. The fixing of costs by the Town Council shall constitute a special assessment against the lot or lots, parcel, or parcels of land upon which the building or structure was located, and shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except prior recorded mortgages and other prior recorded security interests and liens for taxes, and shall continue in force until paid. The town clerk shall mail a certified copy of the resolution by registered or certified mail to the person last assessed for ad valorem taxes, and a certified copy of the resolution shall be published in the manner as prescribed for the publication of municipal ordinances. A certified copy of the resolution shall also be filed in the office of the judge of probate of Shelby County.

Section 6. Ordinance No. 050801 and all other ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

Section 7. This ordinance shall take effect immediately upon its passage and publication or posting as required by law.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

TOWN OF WILSONVILLE, ALABAMA

\_\_\_\_\_  
Town Clerk

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Mayor