

ORDINANCE NUMBER: 2022-1146

AN ORDINANCE TO REGULATE THE SANITATION AND UPKEEP
OF PREMISES LOCATED WITHIN THE CITY OF FAIRFIELD, ALABAMA

WHEREAS, the Fairfield City Council ("City Council" or "Council") finds and determines that the City is authorized by Section 11-47-131, *inter alia*, of Article 5 of Chapter 47 of Title 11 of the Code of Alabama (1975), as amended, to exercise its "Police Powers" in the adoption of Sanitation laws for the purpose of promoting the safety, health, and welfare of the General Public; and

WHEREAS, the City Council further finds and determines that the City adopted Ordinance 937, incorporating the Care of Premises; and

WHEREAS, the City Council further finds and determines that Ordinance 937, *inter alia* Ordinances, enables and authorizes the City of Fairfield ("the City") to enforce Sanitation regulations concerning various Premises located in the City; and

WHEREAS, the City Council further finds and determines that the City requires more stringent Sanitation enforcement measures, particularly concerning "commercial" properties; and

WHEREAS, the City Council further finds and determines that it would be most efficient to unify its enforcement regulations concerning the care and maintenance of Premises located in the City of Fairfield.

NOW, BE IT THEREFORE ORDAINED by the Fairfield City Council as follows:

SECTION 1: GENERAL PROVISIONS.

- A. Purpose. The Council hereby adopts regulations to govern the upkeep and maintenance of all premises located in any "Commercial" or "Residential" District of the City of Fairfield.
- B. Terms, Gender, and Number. For the purpose of this Ordinance, all abbreviations, terms, phrases, words, and their derivatives, shall be construed as set forth in this chapter. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural. The plural number shall include the singular.
- C. Special Meaning and Words Not Defined Hereunder. Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Mechanical Code, Standard Plumbing Code, Standard Gas Code, or Standard Fire Prevention Code. Words not defined in the afore-listed Standard Codes shall have the meanings stated in the *Webster's Ninth New Collegiate Dictionary*, as revised.

SECTION 2: DEFINITIONS. The following Terms used in this Ordinance shall have the meaning shown below:

- A. Abatement Plan. Plan for removing or remedying a Nuisance existing upon any Residential or Commercial Premises, proposed by the City and accepted by the Building Official

- B. **Building.** Any Structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for fifty percent (50%) of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof". For the purpose of this Ordinance, each portion of a building separated from other portions by a firewall shall be considered to be a separate building.
- C. **Building Official.** The Building Official shall be the City's Building Official of the Building, Zoning, and Permits and Planning Department or another officer, agent, or employee designated by the Mayor to administer and enforce the provisions of this Ordinance.

In the alternative, use herein of the term "Building Official" shall also refer to the City Representative designated by the Mayor to act, hereunder, in the stead of the Building Official.

- D. **Business Occupant.** (1) Any Operator of Commercial Premises who has charge, care, or control of a building, or any part thereof (2) The Holder of Title, in Fee Simple; or (3) Any person, who shall have charge, care, or control of Commercial Premises as an Executor/trix, Administrator/trix, Trustee, Guardian, Mortgagee, Possessory Vendee, Assignee, Lessee, or other Person, Firm or Corporation in control of a Building-or their duly authorized Agent.

All Business Occupants are equally bound to comply with the provisions of this Ordinance.

- E. **Care of Premises Citation.** A Citation issued by the Building Official for the violation of any provision of this Ordinance.
- F. Any Person served with a "Citation" or a "Notice of Violation" for violating any provision of this Ordinance.
- G. **Commercial.** A general description which shall apply to all "nonresidential" Buildings and Business Operations-including not-for-profit operations-conducted, or authorized to be conducted in the City of Fairfield, including the following Districts defined under the City's Zoning Code, Ordinance 931, *as amended*: (a) Neighborhood Business; (b) Office; (c) Institutional; (d) Central Business; (e) Community District; (f) General Business; (g) Light Industrial; and (h) Heavy Industrial.
- H. **Extermination.** The control and removal of insects, rodents, wood-destroying organisms, or other pests and vermin within, or around, Premises by eliminating said pests or vermin's harboring places; by removing or making inaccessible materials that may feed said pests or vermin; by poisoning, spraying or fumigating said pests or vermin; by trapping said pests or vermin; or by any other means of legally eliminating said pests or vermin.
- I. **Facility.** All or any portion of a Building, Structure, or Area-including the site on which any subject Building, Structure or Area is located-wherein specific Services are provided or Activities are performed.
- J. **Garbage.** The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

- K. Grace Period. (1) *Initial Grace Period*-the initial 14-day Period granted in a Notice of Violation, during which Cities are to remove or remedy "violating conditions". (2) *Extended Grace Period*-the additional period, beyond the initial 14-day Period, granted, during which Cities are to remove or remedy "violating conditions".
- L. Infestation. The presence, within or around a building, of any vermin, insects, rodents, or other pests.
- M. Inoperable Motor Vehicle. A vehicle that cannot be driven upon the public streets for reasons including, but not limited to being: unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being driven or moved under its own power.
- N. Notice of Violation. The initial written Notice served by the Building Official of a Nuisance condition, subject to Citation under this Ordinance, if not removed or remedied, within the time permitted by the City.

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Nuisance. (1) Whatever condition existing upon Commercial Premises that is dangerous to human life or that is detrimental to the public health, as may be determined by the Fairfield Building Official or by the Jefferson County Health Official or (2) Any state of "Uncleanness" as may be determined by the Building Official.

A "nuisance" hereunder shall include, but not be limited to: any abandoned wells, shafts, basements, or excavations; abandoned refrigerators, and motorvehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard to the general public.

- P. Person. Any Individual, Firm, Corporation, Association or Partnership.

- Q. Plumbing. (1) The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: Sanitary Drainage or Storm Drainage Facilities, the venting system and the public or private water supply systems, within or adjacent to any building, structure, or conveyance. (2) The practice and materials used in the installation, maintenance, extension, or alteration of storm-water, liquid waste, or sewage and water supply systems of any Premises to their connection with any point of public disposal or other acceptable terminals.

- R. Premises. (1) Any Lot, Plot, or Parcel of land-including all Buildings, Structures, Areas, or parts thereof-which house or on which are conducted a business operation, of any type or description. (2) Any Lot, Plot, or Parcel of land-including all Buildings, Structures, Areas, or parts thereof-which house or on which are housed Residents.

Premises shall include "Private property".

Premises shall further include "Public Areas" comprised of open spaces adjoining Buildings, that are permanently maintained, for safety purposes "encumbrance free" and accessible to the applicable Fire Department.

- S. Resident. As used herein, the term "Resident" shall mean any Person legally authorized to reside in, inhabit, occupy, or possess Residential Premises.

T. Residential Premises:

1. Dwelling. A Building occupied exclusively for residential purposes by not more than two (2) families, unless qualified otherwise herein.
 2. Dwelling Unit. A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
 3. Dwelling-Multiple.
 4. Habitable Room. A space in a Building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered "habitable space".
 5. Hotel or Motel. Any Building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.
 6. Residential Buildings. Buildings in which families or households live or in which sleeping accommodations are provided, and all dormitories. Such Buildings include among others, dwellings, multiple dwellings, and rooming houses.
 7. Rooming House. Any Dwelling, or that part of any Dwelling containing one (1) or more rooming units, in which space is let by a Business Occupant/Owner to three (3) or more persons who are not Husband or Wife, Son or Daughter, Mother or Father, or Sister or Brother of the Business Occupant/Owner.
 8. Rooming Unit. Any Room or group of Rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
 9. Temporary Housing. Any Tent, Trailer, or oilier Structure used for human shelter, which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same Premises for more than thirty (30) consecutive days.
- U. Rubbish. "Rubbish" shall include-but not limited to: combustible and noncombustible waste materials, except garbage, including the residue from the burning of wood, coal, coke or oily combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard (tree, grass, bush) trimmings, tin cans, metal, mineral matter, glass, crockery, porcelain, dust, tires, and empty containers of any type.
- V. Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as followed by the words "or any part thereof".

SECTION 3. SANITATION AND CLEANLINESS. Every Business Occupant and Resident in the City of Fairfield shall be responsible for maintaining upon every Premises in the City in a clean and sanitary condition.

Furthermore, no Resident or Business Occupant in the City shall allow to develop or exist upon his Premises any condition which would result in a Violation hereunder.

SECTION 4. GARBAGE DISPOSAL. Every Resident and Business Occupant in the City shall dispose of all of his garbage and any other organic waste which might provide food for rodents and all rubbish in a clean and sanitary manner by placing such garbage in City-approved disposal facilities or City-approved garbage or rubbish storage containers.

SECTION 5. CARE OF PREMISES. It shall be unlawful for any Resident or Business Occupant in the City to utilize his Premises for the open storage of any inoperable motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items.

SECTION 6. EXTERMINATION. Every Resident or Business Occupant in the City shall be responsible for the extermination of any insects, rodents, wood-destroying organisms, or other pests within, or around, his Premises.

SECTION 7. VIOLATION. It shall be a violation of this Ordinance for any Condition, defined above to exist upon any Premises located within the City.

SECTION 8. NOTICE OF VIOLATION. (1) Posting. Notice of Violation shall be posted on the front door of the structure, if there shall be a front door. If there shall not be a front door, Notice shall be posted on the front of the structure, or about the property, as safety permits. (2) Mail Service. Notice of Violation shall also be served by Certified Mail and shall be directed to the most recent address shown in the records of the Jefferson County Tax Assessor for the Person, in whose name the subject Premises was most recently assessed for the payment of *Ad Valorem* Taxes.

SECTION 9. ADMINISTRATIVE REMEDY.

- A. Initial Grace Period. Any Person served hereunder with a Notice of Violation shall have a period of Fourteen (14) days to remove a violating Condition from affected Premises.
- B. Follow-up Inspection. The Building Official will make a follow-up Inspection, at the expiration of 14 days to determine whether the violating condition remains on the affected Premises.
- C. Extension of Time. If a City hereunder shall determine that more than 14 days will be required to remove the violating conditions existing upon affected Premises, the City shall deliver to the Building Official-prior to the expiration of the initial 14-day Grace Period-a written request for an extension of time in which to remedy or remove the violating condition.

The Building Official shall respond, in writing, to the written request received.

If the Building Official shall agree to an extension of time, no follow-up Inspection shall be conducted until after the expiration of any granted extension of time.

The Building Official shall be under no obligation to grant a request for an extension. However, no reasonable request for an extension shall be denied.

SECTION 10. CITATION. If the Building Inspector shall return to inspect Premises determined to have existing thereupon a violating condition and shall observe that the violating condition remains on the affected Premises, the Resident or Business Occupant of said affected Premises shall be cited and shall be directed to appear before the Fairfield Municipal Court to answer the Citation.

SECTION 11. APPEAL OF BUILDING OFFICIAL'S DECISION. If a Resident or Business Occupant shall disagree with the determination, hereunder, of the Building Official concerning the existence upon his Premises of a violating condition, the Resident or Business Occupant may appeal the decision to the City Council.

The Resident's or Business Occupant's Appeal shall:

- (a) Be in writing;
- (b) Be delivered to the Office of the Building Official;
- (c) Be directed to the City Council, *before* the expiration of the initial 14-day Grace Period stated in the Notice of Violation;
- (d) State the Resident's or Business Occupant's Legal Name, a Valid Address, and a Working Telephone Number. The same information shall be stated for the Legal Property Owner, if not the Resident or Business Occupant making the Appeal; and
- (e) State the specific reasons for the Appeal.

SECTION 12. STAY OF PROCEEDINGS BEFORE THE MUNICIPAL COURT, PENDING RESOLUTION BY THE CITY COUNCIL. Proceedings referred to the Municipal Court for prosecution shall be stayed pending disposition of City's Appeal by the City Council.

SECTION 13. DISPOSITION OF PROCEEDINGS BEFORE THE MUNICIPAL COURT FOLLOWING RESOLUTION BY THE CITY COUNCIL.

- A. If the City Council shall dispose of the Notice of Violation in the City's favor, the Municipal Court shall be notified and the Notice of Violation shall be withdrawn from the Municipal Court.
- B. If the City Council shall not dispose of the Notice of Violation in the City's favor, the Municipal Court shall be notified and Notice of Violation shall be prosecuted as ordered by the Court.

SECTION 14. PROSECUTION, PENALTY AND PUNISHMENT.

- A. **Prosecution and Punishment** In the absence or failure of an Appeal, Residents, Business Occupants, or other Persons cited for Violations committed hereunder shall be prosecuted, within the limits allowed by law.

B. Penalty and "Continuing Offense": Each Resident, Business Occupant or other Person cited for Violations committed hereunder shall be charged with a *separate offense for each day* that an offense is allowed to continue-- following the expiration of an "Initial Grace Period" or following the expiration of any approved "Extended Grace Period".


SECTION 15. VALIDITY AND SEVERABILITY OF ORDINANCE PROVISIONS. The Provisions of this Ordinance are hereby deemed to be severable. If any Section, Subsection, Sentence, Clause, Phrase, or Portion of this Ordinance is, for any reason, held invalid or unconstitutional, by any Court of competent jurisdiction, such Provision(s) shall be deemed a separate, distinct and independent Provision and such Judicial Holding shall not affect the validity of the remaining, unaffected Provisions hereof.

SECTION 16. SCOPE OF ORDINANCE. The Provisions of this Ordinance are *CUMULATIVE, and* are in addition to any other Procedure presently authorized by law for the accomplishment of the Objectives herein stated.

DONE and ADOPTED on this 3rd Day of October 2022.


EDDIE PENNY, MAYOR

ATTEST:


MARY ROBerson,
CITY MANAGER/CLERK