

FIRST READING

ORDINANCE NO. _____

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

SECTION 1. That Ordinance No. 7 adopted by the City Council of the City of Alexander City, Alabama, on the 8th day of June, 1876, be and is hereby rescinded.

SECTION 2. Chapter 10, ANIMALS, SECTION 3. KILLING OF ANIMALS of the Code of Ordinance of the City of Alexander City, Alabama, be and is hereby amended to read as follows:

Section 10-3 Killing of Animals

It shall be unlawful for any unauthorized within the corporate limits except as follows:

- (1) Landowners, and or any person who is hunting legally as specified in the State of Alabama Department of Conservation Fish and Game laws.
- (2) Duly Authorized Peace Officers, Conservation Officers, or Animal Control Officers in the performance of their duties.
- (3) The control of nuisance animals which are causing actual destruction or nuisance to property or property owners' enjoyment. The exception is subject to all Federal and State laws and regulations which control extermination of protected wildlife and domestic animals.

SECTION 2. That any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed and rescinded.

SECTION 3. This ordinance shall be effective immediately upon adoption and publication as required by law.

ADOPTED this 15th day of October, 2010.

President of the Council

APPROVED this 15th day of October, 2010.

Mayor

ATTEST:

Acting City Clerk

ORDINANCE NO. _____

PAGE NO _____

CERTIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. _____ which was duly adopted by the City Council on the 15th day of October, 2010.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 15th day of October, 2010.

As Acting Clerk of the City of
Alexander City, AL

SEAL

—

FIRST READING

ORDINANCE NO. _____

BE IT ORDINED by the City Council of the City of Alexander City, Alabama, as follows:

SECTION 1. That Ordinance No. 52 adopted by the City Council of the the City of Alexander City, Alabama, on the 7th day of May, 1907, be and is hereby rescinded.

SECTION 2. Chapter 58, OFFENSES AND MISCELLANOUS PROVISIONS, SECTION 2. DISCHARGING FIREARMS of the Code of Ordinances of the City of Alexander City, Alabama, be and is hereby amended to read as follows:

Sec 58-2. Discharging Firearms

A. It shall be unlawful for any person to recklessly discharge, or cause to be recklessly discharged, any firearm within the corporate limits of the city:

B. Discharging firearms shall be lawful for the following purposes:

- (1) Duly authorized peace officers in the performance of their duties;
- (2) Members of the military forces of the state or United States in the performance of their duties;
- (3) Persons exercising the right of self defense or the defense of others: or
- (4) Landowners, or hunting club members hunting game animals within the guidelines of the State of Alabama Department of Conservation, fish and game regulations.

All game and Fish Laws and regulations of the State of Alabama shall apply including all safe distance requirements, and in addition:

- (1) Any center fire rifle or shotgun firing slugs shall only be discharged from an elevated shooting position. These weapons will only be discharged at a downward angle.
- (2) Center fire ammunition may be used at an authorized firing range and in accordance with legitimate firearms safety rules that has been approved by the Code Enforcement Officer and the Chief of Police or his designee prior to authorization being granted.

SECTION 2. That any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed and rescinded.

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President of the Council

APPROVED this 15th day of October, 2010.

Mayor

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Acting City Clerk

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As Acting Clerk of the City of
Alexander City, AL

SEAL

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ORDINANCE NUMBER: 2011-01
HISTORIC PRESERVATION ORDINANCE
OF
THE CITY OF ALEXANDER CITY, ALABAMA
an Alabama municipality

AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION COMMISSION IN THE CITY OF ALEXANDER CITY, ALABAMA; TO PROVIDE FOR DESIGNATION OF HISTORIC PROPERTIES OR HISTORIC DISTRICTS; TO PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF APPROPRIATENESS; TO PROVIDE FOR AN APPEALS PROCEDURE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALEXANDER CITY, ALABAMA AS FOLLOWS:

SECTION I

Purpose

- A. In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Alexander City is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;
- B. In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical attractions to tourists and thereby promote and stimulate business;
- C. In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and
- D. In order to provide for the identification, designation, protection, preservation, perpetuation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;
- E. The City Council of the City of Alexander City hereby declares it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art having special historical, cultural or aesthetic interest or value, in accordance with the provisions of this Ordinance.
- F. A further purpose of this ordinance is to repeal Ordinance No. 2009-11 adopted by the City Council on March 23, 2009 to provide for strict compliance with the enabling statute of the State of Alabama, Code of Alabama Section 11-68-1, et seq.

SECTION II

Definitions

- A. "Certificate of Appropriateness"- Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- B. "City"- Means City of Alexander City

- C. "Exterior Architectural Features"- Means the architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, and other appurtenant architectural fixture, features, details or elements relative to the foregoing.
- D. "Exterior Environmental Features"- Means all those aspects of the landscape or the development of a site which affect the historical character of the property.
- E. "Historic District"- Means a geographically definable area designated by the City Council as a historic district.
- F. "Material Change in Appearance"- Means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, landscape feature or work of art within a historic district, such as:
1. A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors, or windows, or removal or alteration of any architectural features details or elements;
 2. Demolition or relocation of a historic structure;
 3. Commencement of excavation for construction purposes;
 4. A change in the location of advertising visible from the public right of way; or
 5. The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features.

SECTION III

Creation of a Historic Preservation Commission

A. Creation of the Commission

1. There is hereby created a commission whose title shall be "City of Alexander City Historic Preservation Commission" (hereinafter "Commission").

B. Commission Members: Number, Appointment, Terms Compensation and Rules and Standards

1. The Commission shall consist of seven (7) members nominated by the Mayor and appointed by the City Council. The board of Main Street Alexander City shall submit a slate of candidates to the Mayor who may nominate from that slate or submit his/her own nominations. All members shall be residents of the territorial jurisdiction of the city of Alexander City, and should have demonstrated training, experience, or knowledge in the fields of history, architecture, architectural history, urban planning, archaeology or law, or who shall be residents of a historic district designated pursuant to this ordinance. Not more than one of the members of the commission shall be a public official.
2. Members shall serve three-year terms. Members may be reappointed. In order to achieve staggered terms, initial appointments shall be: Two (2) members for one (1) year; two (2) members for two (2) years; and three (3) members for three (3) years. Members of the Commission may be removed for cause by the City Council.

3. Vacancies on the Commission shall be filled by persons nominated by the Mayor and appointed by the City Council. The board of Main Street Alexander City shall submit a slate of candidates to the Mayor who may nominate from that slate or submit his/her own nominations. Such appointments shall be for the unexpired term of the member replaced.
4. Members of the Commission shall elect a chairman and a vice-chairman and such other officer(s) as the members deem necessary.
5. The Commission shall adopt rules of procedure and bylaws to govern its operations and shall communicate those rules of procedure and bylaws to the Mayor and City Council. The bylaws of the Commission shall specify what number of members of the commission constitutes a quorum.
6. Members of the Commission shall serve without compensation. Expenses incurred on behalf of the Commission may be reimbursed only if approved in advance by City Council.
7. The Commission shall adopt Design Guidelines to be used as the standard for evaluating applications for Certificates of Appropriateness and shall communicate those guidelines to the Mayor and City Council. These guidelines shall be consistent with the Secretary of the Interior's "Standards for Historic Preservation Projects" including the Secretary's "Standards for Rehabilitation."

C. Commission Meetings, Minutes and Public Participation

1. All meetings of the Commission must be publicly announced and be open to the public. Commission meetings must occur at regular intervals; however the regular meeting may be cancelled by the Commission chairperson if no applications for a Certificate of Appropriateness are pending. Public notice must be provided prior to any special meetings.
2. Minutes of all decisions and actions of the Commission must be kept on file and available for public inspection.
3. All decisions of the Commission shall be made in a public forum and applicants must be given written notification of the Commission's decision.
4. Rules of procedure adopted by the Commission and the bylaws of the commission must be available for public inspection.
5. During the process of reviewing properties for nomination to the National Register, the Commission must provide opportunity for public comments.

D. Status of Commission as Nonprofit Agency Exempt from Taxation

The Commission shall constitute a non-profit governmental agency. Any funds received by the commission shall be used exclusively for public purposes. Such commission shall have tax exempt status, and any properties of the commission and the income therefrom, together with all leases, agreements and contracts made by it, shall be forever exempt from any and all taxation by the State of Alabama and any political subdivision thereof, including, but not limited to, income, admission, amusement, excise and ad valorem taxes.

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E. Statement of the Commission's Power

The Commission shall be authorized to:

1. Preserve and protect buildings, structures and sites of historic and architectural value in the historic districts designated pursuant to this ordinance;
2. Prepare and maintain an inventory of all property within the city having the potential for designation as historic property;
3. Recommend to the City Council specific places, districts, sites, buildings, structures, objects or works of art to be designated by ordinance as historic properties or historic districts;
4. Review applications for Certificate of Appropriateness and grant or deny it in accordance with the provisions of this ordinance;
5. Recommend to the City Council that the designation of any place, district, site, building, structure, objects or works of art as a historic property or as a historic district be revoked or removed;
6. Restore and preserve any historic properties acquired by the city or acquired by the Commission;
7. Promote the acquisition of facade easements and conservation easements by the city;
8. Develop and conduct education programs on historic projects and within historic districts located within the city and on general historic preservation subjects;
9. Make such investigations and studies of matters relating to historic preservation the City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources. This may include the employment of historic preservation experts if the City Council approves funding thereof;
10. Apply for local, state, federal and private funds for historic preservation, and make recommendations to the City Council concerning the most appropriate uses of any funds acquired;
11. Work with other municipal, county, state, federal and private agencies and organizations to perform historic preservation related functions;
12. Receive donations, grants, funds or gifts of historic property; all said receipts shall become the property or assets of the city of Alexander City, Alabama.
13. Purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage and insure real and personal property in carrying out the purposes and responsibilities of the Commission. The Commission shall not obligate the city without prior consent;
14. Review and make comment to the Alabama Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;

15. Assist the Alabama Historical Commission in processing nominations of properties to the National Register of Historic Places;
16. Assist the Alabama Historical Commission in processing applications for certification of historic properties for tax credits for preservation expenditures;
17. Participate in private, state and federal historic preservation programs and, with the consent of the City Council, enter into agreements with the same to perform historic preservation related functions.

F. Annual Report of the Commission's Activities

The Commission shall prepare and file with the City Council and with the Alabama Historical Commission an annual report of its activities as required by the City Council and the Alabama Historical Commission. The annual report shall cover the period from October 1st to September 30th and shall be submitted in October of each year. The report shall include such items as the number of cases reviewed, historic district members; staff, appointments to the Commission, attendance records and all minutes related to the review of National Register nominations. The report shall document attendance at any orientation/training sessions as specified in Section III I.

G. Conflict of Interest

At any time the Commission reviews a project in which a member of the Commission has ownership or other vested interest, that member will be forbidden from presenting, voting, or discussing the project, other than answering a direct question.

H. Records of Commission Meetings

A public record of all Commission resolutions, proceedings and actions shall be maintained at a place designated by the City Council.

I. Responsibilities of Commission Members

Each Commission member and anyone serving the Commission in a technical/professional staff capacity is encouraged to attend informational or educational meetings pertaining to historic preservation. Such meetings may include those sponsored by the Alabama Historical Commission, Board of Advisors, the National Trust for Historic Preservation or a local preservation organization.

J. Liaison between the Commission and the State Historic Preservation Office (Alabama Historical Commission)

Should the City Council elect to become a Certified Local Government, the City Council shall designate a paid member of the city's staff or a person working under contract as a source of technical administrative/professional assistance to be responsible for the operations of the Commission in keeping with the Certified Local Government Program. At least one member of the Commission and/or a representative appointed by the Mayor who has an ongoing relationship with the Commission, will attend the Alabama Certified Local Government orientation/training session sponsored by the Alabama Historical Commission each year.

SECTION IV

Recommendation and Designation of Historic District & Properties

A. Preliminary Research by Commission

1. The Commission is authorized to compile and collect information and conduct surveys of historic resources within the city.
2. Commission's Power to Recommend Districts and Buildings to the City Council for Designation: the Commission shall present to the City Council recommendations for historic districts and properties.
 - a. The commission shall not recommend designation of an historic property or historic district unless it finds that the building, structure, site or district is identified with or represents a significant locality, region, state or nation or has had a significant relationship with the life of a historic person or event, representing a major aspect of the history of the locality, region, state or nation, or if a part of the historic, architectural, archaeological or aesthetic heritage of the locality, region, state, or nation. In the case of an individual building or structure, the commission may recommend designation as an historic property if the commission finds that the building or structure is an example of an architectural style, or combination of architectural styles, which is representative of the municipality creating the commission or which is unique to that municipality. In the case of a district, the commission may recommend designation as an historic district if the commission finds that the district contains vernacular structures which contribute to an overall character and sense of place which is representative of the municipality creating the commission.
3. Commission's Documentation of Proposed Designation: Prior to the Commission's recommendation of a historic district or historic property to the City Council for designation, the Commission shall prepare a report consisting of:
 - a. physical description;
 - b. a statement of the historical, cultural, architectural and/or aesthetic significance;
 - c. a map showing district boundaries and classification (i.e. historic, non-historic) of individual properties therein, or showing boundaries of individual historic properties;
 - d. a statement justifying district or individual property boundaries; and
 - e. representative photographs.

B. Designation of Historic Districts

1. Criteria for selection of historic districts: A historic district is a geographically definable area, which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof;

- a. That are associated with events that have made significant contribution to the broad patterns of our history; or
 - b. That are associated with the lives of persons significant in our past; or
 - c. That embody the distinctive characteristics of a type, period, or method of construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - d. That has yielded or may be likely to yield information important in pre-history or history.
2. Boundaries of the Historic District: Boundaries of a Historic District shall be shown on the official map of the Commission and on the official zoning maps of the city.
 3. Evaluation of properties within the Historic Districts: Individual properties within historic districts shall be classified as:
 - a. historic (contributes to the district)
 - b. non-historic (does not contribute to the district)

C. Designation of a Historic Property

1. Criteria for selection of Historic Properties: A historic property is a building, structure, site, object, work of art; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the city for one of the following reasons:
 - a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - b. That are associated with the lives of persons significant in our past; or
 - c. That embody the distinctive characteristics of a type, period, or method of construction; or
 - d. That has yielded or may be likely to yield information important in pre-history or history.
 - e. That has been designated as a contributing or historical property by the Alabama Historical Commission or the National Register of Historical Places.
2. Boundary Description: boundaries shall be shown on the official map of the commission and on the official zoning maps of the city.

D. Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties

1. Application for Designation of Historic Districts or property: Designations may be proposed by the City Council, the Commission, or
 - a. for historic districts - a historical preservation society, neighborhood association or group of property owners may apply to the Commission for designation;
 - b. for historic properties - a historical preservation society, neighborhood association or property owner may apply to the Commission for designation.

2. Required Components of a Designation Ordinance: Any ordinance designating any property or district as historic shall:
 - a. describe boundaries of the proposed historic district or describe the proposed individual historic property/structure;
 - b. require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of the designated property;
3. Required Public Hearings:
 - a. Before the commission shall recommend the designation of an historic property or historic district, the City Council shall hold a public hearing on the proposed recommendation of historic designation to be held at a time and place, and pursuant to such notices specified in the ordinance creating the commission.
 - b. In addition to the notice of the public hearing required pursuant to subsection a. of this section, all owners of property to be included in the proposed historic designation, as such owners are identified in the relevant property tax rolls, if such owners can be found on reasonable inquiry, shall be notified by mail of the public hearing to be held by the City Council on the proposed recommendation of historic designation.
4. Recommendations on Proposed Designations: A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission within fifteen (15) days following the Public Hearing and shall be in the form of a letter to the City Council.
5. City Council Action on Commission Recommendation: Following receipt of the Commission's recommendation, the City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.
6. Notification of Adoption of Ordinance for Designation: Within thirty (30) days following the adoption of the ordinance for designation by the City Council, the owners of each designated historic property, and the owners of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the City Council which notice shall apprise said owners of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States Mail to the last-known owner of the property shown on the ad valorem tax roles and a notice sent via the United States Mail to the address of the property to the notification to the owner under this ordinance.
7. Notification of Other Agencies Regarding Designation: The City Council shall notify in writing all municipal agencies within the city of the ordinance for designation

8. Moratorium on Applications for Alteration or Demolition while Ordinance for Designation is Pending: If an ordinance for designation is pending before the City Council, the City Council shall have the power to declare a moratorium on the issuance of building/demolition permits within the proposed designated area for no longer than 60 days.

SECTION V

Application to Historic Preservation Commission for Certificate of Appropriateness

A. Approval of Alterations, Demolitions or New Construction in Historic Districts or Involving Historic Properties

After the designation by ordinance of a historic property or of a historic district, no historic property may be demolished, no building or structure in a historic district may be erected or demolished and no material change in the exterior appearance of such historic property, or of a structure, site, object, or work of art within such district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Commission.

B. Approval of New Construction Within Designated Districts

The Commission shall issue Certificates of Appropriateness to new structures constructed within designated historic districts if these structures conform in design, scale, building materials, setback and landscaping to the character of the district specified in the design criteria developed by the Commission.

C. Approval of Signs Within Designated Districts

Signs shall be considered as structures and no sign on a historic property shall be changed, erected or demolished unless and until a Certificate of Appropriateness is approved by the Commission.

D. Approval of Alterations or Demolitions of Public Property Within Historic Districts or Public Property Which has been Designated as a Historic Property

The requirement of a Certificate of Appropriateness shall apply to public property which has been designated as a historic property or which is contained in a historic district, and shall apply to all actions by the public authorities which involve historic properties and properties within historic districts.

E. Approval of Painting Originally Unpainted Surfaces

The painting of originally unpainted surfaces shall require Certificate of Appropriateness.

F. Interior Alterations

In its review of applications for Certificates of Appropriateness, the Commission shall not consider interior arrangement or use having no effect on the exterior architectural features.

G. Failure to Maintain a Historic Property

Demolition by neglect and failure to maintain a historic property or structure in a historic district shall constitute a MATERIAL change for which a Certificate of Appropriateness is necessary.

H. Guidelines and Criteria for Certificates of Appropriateness

The Commission shall adopt rules and regulations setting forth the procedure for submission and consideration of applications for Certificate of Appropriateness. The Commission shall use general design standards, which shall apply in considering the granting and denial of Certificate of Appropriateness. Design standards shall be consistent with the Secretary of the Interior's "Standards for Historic Preservation Projects" including the Secretary's "Standards for Rehabilitation."

I. Submission of Plans to Commission

An application for Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans, or other documentation as may be required by the Commission. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site.

J. Acceptable Commission Action to Applications for Certificate of Appropriateness

1. The Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) conforms to the general design standards established by the Commission, is compatible with the character of the historic property or historic district, and does not detract from the value of the historic property or historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of the other structures in the immediate neighborhood.
2. The Commission shall deny a Certificate of Appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the aesthetic, historic or architectural significance and value of the historic property or the historic district. The Commission shall not grant Certificates of Appropriateness for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.

K. Public Meeting and Hearing on Applications for Certificates of Appropriateness, Notices and Right to be Heard

Applications for Certificates of Appropriateness shall be considered by the Commission at regular public meetings, at a regular hour to be fixed by said Commission, from time to time and publicly announced. At least fourteen (14) days prior to review of a Certificate of Appropriateness, the Commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected by reason of the application, and shall give applicant and such owners an opportunity to be heard. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.

L. Deadline for Approval or Rejection of Application for Certificate of Appropriateness

1. The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant for a historic property, or of a historic structure, site, object or work of art located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Commission. Notice of the issuance or denial of the Certificate of Appropriateness shall be sent by United States Mail to the applicant and all other persons who have requested such notice in writing filed with the Commission.
2. Failure of the Commission to act within said forty-five (45) days shall constitute approval and no further evidence of approval shall be needed. If extenuating circumstances exist, the commission may request an extension to the forty-five (45) day requirement through the Building Department.

M. Necessary Actions to be Taken by the Commission Upon Rejection of Application for Certificate of Appropriateness

1. In the event the Commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions, and reasons, in writing, to the applicant. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application at any time after doing so.
2. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a Building Permit, the rejection of the applicant for a Certificate of Appropriateness by the Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such cases, no building permit shall be issued.

N. Undue Hardships

Where, by reason of unusual circumstances, the strict application of any provision of this ordinance would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications, or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this ordinance. An undue hardship shall be a situation not of the person's own making which is: a) a problem unique to a specific property, or b) in order to comply with this ordinance, the application of any provision of this ordinance will conflict with another ordinance of the city.

O. Appeals

Any Person having a Certificate of Appropriateness denied by the Commission may appeal such denial to the Circuit Court of Tallapoosa County, State of Alabama, within 30 days of the day of such denial.

P. Recording of Applications for Certificate of Appropriateness

The Commission shall keep a public record of all applications for Certificates of Appropriateness and of all the Commission's proceedings in connection with said application.

Q. Requirements of Conformance of Certificate of Appropriateness

1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Commission shall issue a cease and desist order and all work shall cease.
2. The City Council or the Commission with the consent of the City Council shall be authorized to institute an appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in the exterior appearance of a building or structure which is either a historic structure or is located in a historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district, and to recover any damages which may have been caused by the violation of this ordinance.

R. Certificate of Appropriateness Void if Construction Not Commenced

A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable upon review.

S. Technical Advice

The Commission shall have the power to seek technical advice from outside its members on any application. If funding is required it must be approved by the City Council in advance.

SECTION VI

Maintenance of Historic Properties

A. Expedited Review Procedures for Approval of Routine Maintenance

The Commission may adopt expedited review procedures for approval of routine maintenance to historic properties or to buildings or structures in historic districts. Routine maintenance to historic properties includes ordinary maintenance or repair of any exterior architectural or deterioration, decay, or damage, or to sustain the existing form that does not involve a material change in design, material or outer appearance. Expedited review procedures shall waive the requirements for submission of an application for a Certificate of Appropriateness and for consideration at a public meeting.

B. Failure to Provide Ordinary Maintenance or Repair

Property owners of historic properties or properties within historic districts shall not allow their building to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding deterioration by neglect:

1. The Commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors, and openings that allow the elements and vermin to enter, or deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
2. In the event the Commission determines a failure to provide ordinary maintenance or repair, the Commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have NINETY (90) days in which to present a plan for the remedy, which will include a schedule for completion. The plan is subject to approval of the city Building Department.
3. In the event that the plan is not submitted within the NINETY (90) days, the City Council or the Commission with the consent of the City Council may at their discretion, institute an action in a court of competent jurisdiction to compel such maintenance or repair.

SECTION VII

Building and Zoning Code Provisions

Nothing in this Ordinance shall be construed as to exempt property owners from complying with existing city building and zoning codes, nor to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.

SECTION VIII

Penalty Provisions

Any person, firm, partnership, corporation, or other entity, adjudged guilty of violating any provision of this ordinance or any rule or regulation made pursuant to this ordinance shall be guilty of a misdemeanor and shall be punished as provided in Section 1-7 of the Code of Ordinances of the City of Alexander City. This Provision shall be enforced by the City Code Enforcement Officer or his/her designated agent.

SECTION IX

Saving Clause

In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or held invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no manner affect the other sections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or held invalid or unconstitutional were not originally a part thereof.

SECTION X

Repeal of Existing Ordinances and Compliance with State Statutes

All ordinances and sections of ordinances in conflict with this ordinance are hereby repealed. If any section or part of this ordinance conflicts with State statutes, the provisions of State statutes shall apply.

SECTION XI

Effective Date

This Ordinance shall become effective upon adoption, approval and publication as

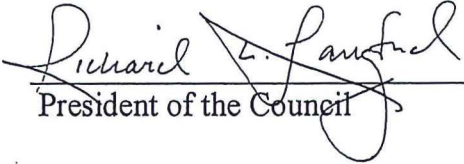
required by law.

SECTION XII

Publication

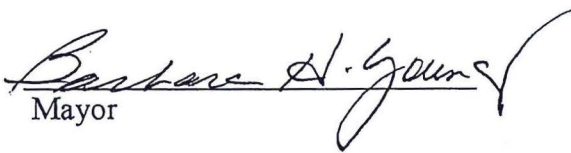
The City Clerk is hereby directed to cause a copy of this Ordinance to be published in The Alexander City Outlook, a newspaper published in and of general circulation in the City of Alexander City, Tallapoosa County, Alabama.

ADOPTED this 4th day of October, 2010.



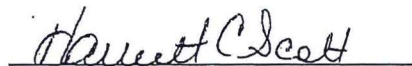
President of the Council

APPROVED this 4th day of October, 2010.



Mayor

ATTEST:



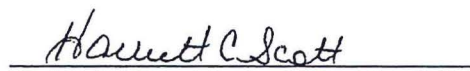
City Clerk

CERIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. 2011-01 which was duly adopted by the City Council on the 4th day of October, 2010.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 4th day of October, 2010.

SEAL



As Acting Clerk of the City of
Alexander City, Alabama

ORDINANCE NO. 2011-02

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

SECTION 1. That Ordinance No. 7 adopted by the City Council of the City Alexander City, Alabama, on the 8th day of June, 1876, and is hereby rescinded.

SECTION 2. Chapter 10 , ANIMALS, SECTION 3. KILLING OF ANIMALS of the Code of Ordinance of the City of Alexander City , Alabama, be and is hereby amended to read as follows:

Sec. 10-3 Killing of Animals

It shall be unlawful for any unauthorized person to intentionally kill or injure any animal within the corporate limits except as follows:

- (1) Landowners, and or hunting club or hunting lease members in possession of a valid State of Alabama Hunting License, harvesting game animals as specified in the State of Alabama Department of Conservation Fish and Game laws.
- (2) Duly Authorized Peace Officers, Conservation Officers, or Animal Control Officers in the performance of their duties.
- (3) The control of nuisance animals which are causing actual destruction or nuisance to property or property owners' enjoyment of their property.. The exception is subject to all Federal and State laws and regulations which control extermination of protected wildlife and domestic animals.

SECTION 3. That any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed and rescinded.

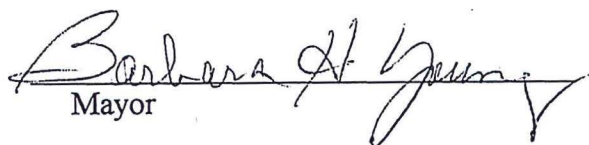
SECTION 4. This ordinance shall be effective immediately upon adoption and publication as required by law.

ADOPTED this 18th day of October,2010.



President of the Council

APPROVED this 18th day of October,2010.



Mayor

ATTEST:



Acting City Clerk

ORDINANCE NO. 2011-02

PAGE NO. 2

CERTIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. 2011-02 which was duly adopted by the City Council on the 18th day of October, 2010.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 18th day of October, 2010.

Haunt C Scott
As Acting Clerk of the City of
Alexander City, AL

SEAL

ORDINANCE NO. 2011-03

BE IT ORDINED by the City Council of the City of Alexander City, Alabama, as follows:

SECTION 1. That Ordinance No. 52 adopted by the City Council of the the City of Alexander City, Alabama, on the 7th day of May, 1907, be and is hereby rescinded.

SECTION 2. Chapter 58, OFFENSES AND MISCELLANOUS PROVISIONS, SECTION 2. DISCHARGING FIREARMS of the Code of Ordinances of the City of Alexander City, Alabama, be and is hereby amended to read as follows:

Sec 58-2. Discharging Firearms

A. It shall be unlawful for any person to recklessly discharge, or cause to be recklessly discharged, any firearm within the corporate limits of the city:

B. Discharging firearms shall be lawful for the following purposes:

- (1) Duly authorized peace officers in the performance of their duties;
- (2) Members of the military forces of the state or United States in the performance of their duties:
- (3) Persons exercising the right of self defense or the defense of others: or
- (4) Landowners, or any person who is hunting legally within the guidelines of the State of Alabama Department of Conservation, fish and game regulations.

All game and Fish Laws and regulations of the State of Alabama shall apply including all safe distance requirements, and in addition:

- (1) Any center fire rifle or shotgun firing slugs shall only be discharged from an elevated shooting position. These weapons will only be discharged at a downward angle.
- (2) Center fire ammunition may be used at an authorized firing range and in accordance with legitimate firearms safety rules that has been approved by the Code Enforcement Officer and the Chief of Police or his designee prior to authorization being granted.

SECTION 3. That any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed and rescinded.

SECTION 4. This ordinance shall be effective immediately upon adoption and publication as required by law.

ORDINANCE NO. 2011-03

PAGE NO. 2

ADOPTED this 18th day of October, 2010.

Richard Langford
President of the Council

APPROVED this 18th day of October, 2010.

Barbara H. Young
Mayor

ATTEST:

Harriet C. Scott
Acting City Clerk

CERTIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. 2011-03 which was duly adopted by the City Council on the 18th day of October, 2010.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 18th day of October, 2010.

Harriet C. Scott
As Acting Clerk of the City of
Alexander City, AL

SEAL

—

ORDINANCE NO. 2011-04

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

SECTION 1. That Ordinance Number 2003-01 of the City of Alexander City, Alabama, be and is hereby amended by making certain changes in the Zoning Map of the City of Alexander City, Alabama, which is made a part of said Ordinance by reference and description, as follows so as to change the zoning at the Christopher J. and Cynthia E Traylor for certain property located at 129 Cleveland Street:

To change the zoning on certain property from its present P-B to R-3 (with all restrictions and limitations as provided by the Planning Commission), the following to wit:

Parcel No: 62 05 08 27 3 301 006.000

SECTION 2. That the City Building Inspector and the Zoning Administrator are hereby authorized and directed upon enactment and approval of this amendment to the Zoning Ordinance of the City of Alexander City, Alabama, to cause the said change on the City Zoning Map of said City as set out in Section 1 of this amendment to said ordinance and to make notations in ink thereon of reference to dates of passage and approval of this amendment of the City Zoning Ordinance.

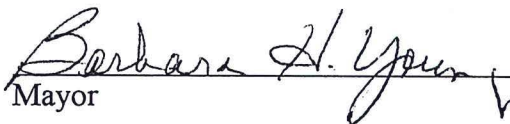
SECTION 3. This ordinance shall take effect immediately upon its adoption and publication as required by law.

ADOPTED this 1st day of November, 2010.



President of the Council

APPROVED this 1st day of November, 2010.



Mayor

ATTEST:

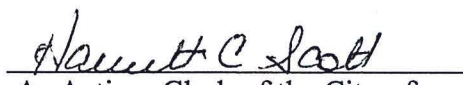


City Clerk—Acting

CERTIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. 2011-04 which was duly adopted by the City Council on the 1st day of November, 2010.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 1st day of November, 2010.



As Acting Clerk of the City of
Alexander City, Alabama

SEAL

WHEREAS, Russell Brands, LLC owns several parcels of land known as the Russell Complex, and

WHEREAS, said property is contiguous to the current corporate limits of the City of Alexander City, Alabama, and

WHEREAS, M. Clayton Humphries, Jr., Vice President of Russell Brands, LLC has petitioned the City of Alexander City, Alabama, to annex two (2) parcels of said property into the corporate limits of the City of Alexander City, Alabama, and

WHEREAS, M. Clayton Humphries, Jr. has the authority to sign for and bind Russell Brands, LLC, in his official capacity as Vice President, and

WHEREAS, said property to be annexed into the corporate limits of the City of Alexander City, Alabama are described as follows:

PARCEL "A"

PARCEL NUMBER: 62 12 02 04 1 001 001.00

Commence at a concrete marker known as the Northeast Corner of the SE 1/4 of Section 33, T-23-N, R-21-E, Tallapoosa County, Alabama; thence West 1,335.36' to a point; thence South 3,532.68' to a point; thence West 497.47' to a concrete marker and the POINT OF BEGINNING for the herein described parcel of land (said point also located on the North Right-of-Way (60') of New No. 1 Drive and the beginning of a Right-of-Way flare on the East side of U.S. Highway No. 280); thence leaving said North Right-of-Way and along said East side of a Right-of-Way flare S 74°34'53" W 222.38' to a concrete marker located on the East Right-of-Way (300') of U.S. Highway 280; thence leaving said Right-of-Way flare and along said East Right-of-Way N 40°58'01" W 338.24' to an iron pin; thence leaving said East Right-of-Way N 58°23'18" E 305.05' to a cotton spindle in asphalt; thence N 89°15'58" E 340.27' to an iron pin located on the West Right-of-Way (60') of New No. 1 Drive (drive under construction); thence along said West Right-of-Way the following three (3) courses: (1) S 02°12'38" W 187.23'; (2) Chord Bearing S 30°33'54" W, Chord Distance 142.48', Radius 150.00'; (3) S 58°55'11" W 98.34' to the point of beginning. Containing 4.00 acres, more or less, and lying in and being a part of the NW 1/4 of the NE 1/4 of Section 4, T-22-N, R-21-E, Tallapoosa County, Alabama.

PARCEL "B"

PARCEL NUMBER: 62 05 08 33 4 001 001.00

Commence at a concrete marker known as the Northeast Corner of the SE 1/4 of Section 33, T-23-N, R-21-E, Tallapoosa County, Alabama; thence South 884.46' to a point located at the edge of pavement on the south side of Joseph Street (a private road); thence along said south side East 4.18' to an iron pin and the POINT OF BEGINNING for the herein described parcel of land; thence continue along said south side S 86°54'44" E 109.96' to an iron pin; thence leaving said south side S 04°24'57" W 69.63' to an iron pin; thence N 85°25'09" W 98.15' to an iron pin; thence S 04°07'13" W 41.58' to an iron pin; thence N 87°47'02" W 12.00' to an iron pin; thence N 04°24'57" E 108.83' to the point of beginning. Containing 0.18 acres, more or less, and lying in and being a part of the NW 1/4 of the SW 1/4 of Section 34 and the NE 1/4 of the SE 1/4 of Section 33, T-23-N, R-21-E, Tallapoosa County, Alabama.

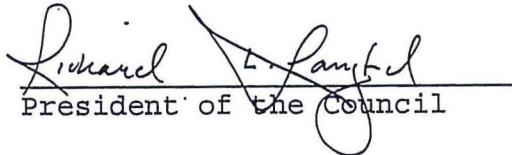
ORDINANCE NO. 2011-05

PAGE NO. 2

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Alexander City, Alabama, that the above described property be and is hereby annexed into the corporate limits of the City of Alexander City pursuant to Section 11-42-20 thru 11-42-24 Code of Alabama, 1975, as amended:

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED this 15th day of November, 2010.



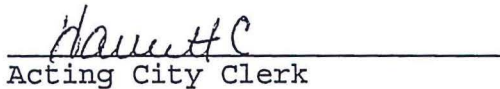
President of the Council

APPROVED this 15th day of November, 2010.



Mayor

ATTEST:

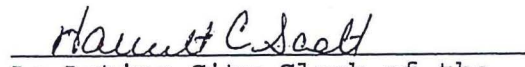


Acting City Clerk

CERTIFICATION OF CITY CLERK

The Undersigned, as Acting City Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a true, correct and complete copy of Ordinance No. 2011-05 which duly adopted by the City Council on this 15th of November, 2010.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 15th day of November, 2010.



As Acting City Clerk of the
City of Alexander City,
Alabama

SEAL

ORDINANCE NO. 2011-06

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

SECTION 1. That Ordinance Number 2003-01 of the City of Alexander City, Alabama, be and is hereby amended by making certain changes in the Zoning Map of the City of Alexander City, Alabama, which is made a part of said Ordinance by reference and description, as follows so as to zone certain property at the request of Russell Brands for certain property located on U. S. Highway 280 and Joseph Street :

PARCEL "A"

To zone annexed property to B-2 (with all restrictions and limitations as provided by the Planning Commission), the following to wit:

PARCEL NUMBER: 62 12020410010010000

Commence at a concrete marker known as the Northeast Corner of the SE 1/4 of Section 33, T-23-N, R-21-E, Tallapoosa County, Alabama; thence West 1,335.36' to a point; thence South 3,532.68' to a point; thence West 497.47' to a concrete marker and the POINT OF BEGINNING for the herein described parcel of land (said point also located on the North Right-of-Way (60') of New No. 1 Drive and the beginning of a Right-of-Way flare on the East side of U.S. Highway No. 280); thence leaving said North Right-of-Way and along said East side of a Right-of-Way flare S 74°34'53" W 222.38' to a concrete marker located on the East Right-of-Way (300') of U.S. Highway 280; thence leaving said Right-of-Way flare and along said East Right-of-Way N 40°58'01" W 338.24' to an iron pin; thence leaving said East Right-of-Way N 58°23'18" E 305.05' to a cotton spindle in asphalt; thence N 89°15'58" E 340.27' to an iron pin located on the West Right-of-Way (60') of New No. 1 Drive (drive under construction); thence along said West Right-of-Way the following three (3) courses: (1) S 02°12'38" W 187.23'; (2) Chord Bearing S 30°33'54" W, Chord Distance 142.48', Radius 150.00'; (3) S 58°55'11" W 98.34' to the point of beginning. Containing 4.00 acres, more or less and lying in and being a part of the NW 1/4 of the NE 1/4 of Section 4, T-22-N, R-21-E, Tallapoosa County, Alabama.

PARCEL "B"

To zone annexed property to I-1 (with all restrictions and limitations as provided by the Planning Commission), the following to wit:

PARCEL NUMBER: 62 05083430020040000

Commence at a concrete marker known as the Northeast Corner of the SE 1/4 of Section 33, T-23-N, R-21-E, Tallapoosa County, Alabama; thence South 884.46' to a point located at the edge of pavement on the south side of Joseph Street (a private road); thence along said south side East 4.18' to an iron pin and the POINT OF BEGINNING for the herein described parcel of land; thence continue along said south side S 86°54'44" E 109.96' to an iron pin; thence leaving said south side S 04°24'57" W 69.63' to an iron pin; thence N 85°25'09" W 98.15' to an iron pin; thence S 04°07'13" W 41.58' to an iron pin; thence N 87°47'02" W 12.00' to an iron pin; thence N 04°24'57" E 108.83' to the point of beginning. Containing 0.18 acres, more or less, and lying in and being a part of the NW 1/4 of the SW 1/4 of Section 34 and the NE 1/4 of the SE 1/4 of Section 33, T-23-N, R-21-E, Tallapoosa County, Alabama.

ORDINANCE NO. 2011-06

PAGE NO. 2

SECTION 2. That the City Building Inspector and the Zoning Administrator are hereby authorized and directed upon enactment and approval of this amendment to the Zoning Ordinance of the City of Alexander City, Alabama, to cause the said change on the City Zoning Map of said City as set out in Section 1 of this amendment to said ordinance and to make notations in ink thereon of reference to dates of passage and approval of this amendment of the City Zoning Ordinance.

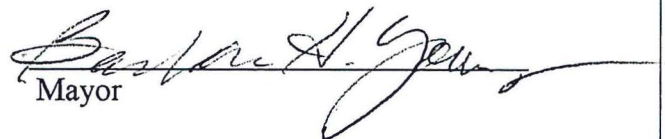
SECTION 3. This ordinance shall take effect immediately upon its adoption and publication as required by law.

ADOPTED this 13th day of December, 2010.



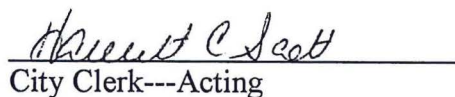
President of the City Council

APPROVED this 13th day of December, 2010.



Mayor

ATTEST:

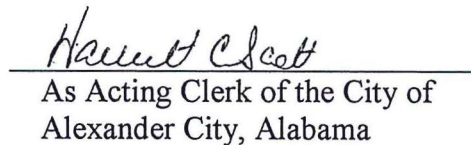


City Clerk---Acting

CERIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. 2011-06 which was duly adopted by the City Council on the 13th day of December, 2010.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 13th day of December, 2010.



As Acting Clerk of the City of
Alexander City, Alabama

SEAL

ORDINANCE NO. 2011-07

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

SECTION 1. It is hereby established and declared that the following described real property of the City of Alexander City, Alabama, was declared no longer needed for municipal purposes to-wit on April 17, 2000 by Ordinance # 2000-09:

A rectangular parcel of property measuring 150 feet along the north and south boundaries and 100 feet along the east and west boundaries beginning at the catch basin situated at the southwest corner of the Russell/Energy Research south plot. From the catch basin, proceed south 100 feet, then east 150 feet, then north 100 and 150 feet west along the south boundary of the Russell/Energy south plot to the point of beginning.

That hangar site, hereinafter called the Premises, at the Thomas C. Russell Field Airport as shown on the Airport Layout Plan as Building B-13 and B-14 (attached) and to be known as the ECG LLC Hangars located at:

981 T.C. Russell Drive
and
983 T.C. Russell Drive

SECTION 2. The City of Alexander City, Alabama, having received an offer from ECG LLC of Alexander City, Alabama, to sublease from Andrew Thomas that real property described in Section 1 above, it is hereby declared to be in the best interest of the public and the City of Alexander City, Alabama to sublease said real property to ECG LLC under the following terms and conditions, to-wit:

1. The terms of this sublease shall be for a period of 19 years and five (5) months beginning with the 1st day of January, 2011 and ending May 31, 2030.
2. The Lessee agrees to pay the Lessor as rent for the parcel of land the sum of \$ 20.00 per month or \$ 240.00 per year payable in advance of the first day of each month during the terms of said lease.
3. The Lessee shall, at his own expense maintain, in good condition a building in accordance with the plans and specifications provided by the Lessee and approved by the Lessor.

4. The Lessee shall pay and discharge all future taxes, assessments, duties, impositions, and burdens assessed, charged, or imposed upon premises or any erection thereon. The Lessee shall keep the building and improvements upon the premises insured against loss or damage, and in the event of destruction or damage to the building, shall promptly restore such building to its former condition. The Lessee shall pay the premiums necessary for those purposes immediately as they become due.
5. This Lease is personal to the Lessee and shall not be sublet for any purpose without first obtaining written permission from the City. In the event the City does allow the subleasing of said build, the building must be used for a qualifying purposes as described in the Ground Space Lease Agreement.
6. Lessee agrees to abide by the Airport Rules and Regulations as adopted by the City Council of the City of Alexander City, Alabama, by Ordinance No. 2005-18 on August 15, 2005 and any subsequent revisions to said document.
7. The Lessee shall hold the Lessor harmless from any liability arising from the operation of said building.
8. At the termination of this lease, the Lessee shall surrender the premises with all permanent buildings erected thereon in such repair and condition as shall be in accordance with the covenants herein contained.

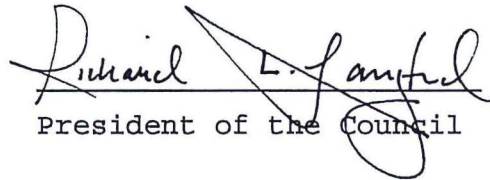
SECTION 3. Pursuant to the authority granted by Section 11-47-21 of the Alabama Code of 1975, the Mayor of the City of Alexander City, Alabama, is hereby directed to execute a lease agreement with ECG LLC according to the terms set out in SECTION 2 above, and she is authorized to execute said lease agreement in the name of the City of Alexander City, Alabama.

SECTION 4. This ordinance shall become effective immediately upon its adoption.

ORDINANCE NO. 2011-07

PAGE: 3


ADOPTED this 3rd day of January, 2011.


President of the Council

APPROVED this 3rd day of January, 2011.


Mayor

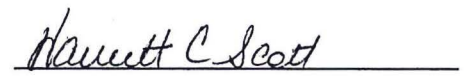
ATTEST:


Acting City Clerk

CERTIFICATION OF CITY CLERK

The Undersigned, as Acting City Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a true, correct and complete copy of Ordinance No. 2011-07 which was duly adopted by the City Council on the 3rd day of January, 2011.

WITNESS MY SIGNATURE, as Acting City Clerk of the City of Alexander City, Alabama, under the seal thereof, this 3rd day of January, 2011.


As Acting City Clerk of the
City of Alexander City, Alabama

ORDINANCE NO. 2011-08

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

SECTION 1. That Ordinance Number 2003-01 of the City of Alexander City, Alabama, be and is hereby amended by making certain changes in the Zoning Map of the City of Alexander City, Alabama, which is made a part of said Ordinance by reference and description, as follows so as to zone certain property at the request of Antionette Harrell for certain property located at 1383 Old Kellyton Road as follows:

To change from its present R-1 to R-3M (with all restrictions and limitations as provided by the Planning Commission), the following to wit:

Parcel No: 62 05 09 29 1 001 065.005

SECTION 2. That the City Building Inspector and the Zoning Administrator are hereby authorized and directed upon enactment and approval of this amendment to the Zoning Ordinance of the City of Alexander City, Alabama, to cause the said change on the City Zoning Map of said City as set out in Section 1 of this amendment to said ordinance and to make notations in ink thereon of reference to dates of passage and approval of this amendment of the City Zoning Ordinance.

SECTION 3. This ordinance shall take effect immediately upon its adoption and publication as required by law.

ADOPTED this 7th day of March, 2011.



President of the City Council

APPROVED this 7th day of March, 2011.



Mayor

ATTEST:

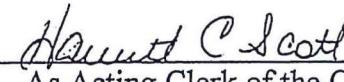


City Clerk---Acting

CERIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. 2011-08 which was duly adopted by the City Council on the 7th day of March, 2011.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 7th day of March, 2011.



As Acting Clerk of the City of
Alexander City, Alabama

SEAL

ORDINANCE NO. 2011-09

AN ORDINANCE OF THE CITY OF ALEXANDER CITY, ALABAMA, TO EXEMPT CERTAIN "COVERED ITEMS" FROM THE MUNICIPAL SALES AND USE TAX DURING THE FIRST FULL WEEKEND OF AUGUST, 2011, AS AUTHORIZED BY ACT 2006-574, GENERALLY REFERRED TO AS THE STATE SALES TAX HOLIDAY LEGISLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF ALEXANDER CITY, ALABAMA, AS FOLLOWS:

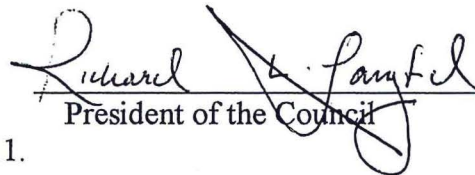
Section 1. In conformity with the provisions Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session, providing for a State Sales Tax Holiday, the City of Alexander City, Alabama, exempts "covered items" from municipal sales and use tax during the same period, beginning at 12:01 a.m. on the first Friday in August, 2011 (August 5, 2011) and ending at twelve midnight the following Sunday (August 7, 2011).

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2006-574, except that the time period shall only be as specified in Section 1 above and not for all years thereafter.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Alexander City, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

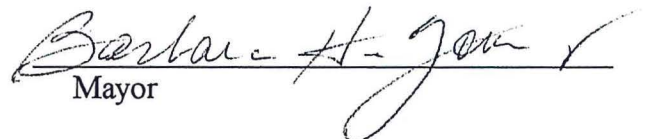
Section 4. This ordinance shall become effective on July 1, 2011.

ADOPTED this 21st day of March, 2011.



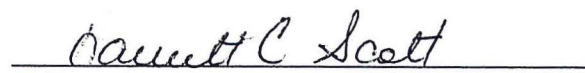
President of the Council

APPROVED this 21st day of March, 2011.



Mayor

ATTEST:

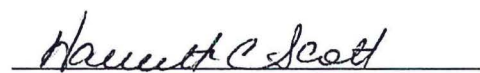


City Clerk -- Acting

CERTIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. 2011-09 which was duly adopted by the City Council on the 21st day of March, 2011.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 21st day of March, 2011.



As Acting Clerk of the City of
Alexander City, Alabama

SEAL



JULIE P. MAGEE
Commissioner

State of Alabama Department of Revenue

(www.revenue.alabama.gov)
50 North Ripley Street
Montgomery, Alabama 36132

CYNTHIA UNDERWOOD
Assistant Commissioner

MICHAEL E. MASON
Deputy Commissioner

LEWIS A. EASTERLY
Secretary

March 1, 2011

REMINDER

REMINDER

2011 Sales Tax Holiday August 5-7, 2011

Deadline to notify ADOR: July 6, 2011

The 2011 Sales Tax Holiday begins at 12:01 a.m. on Friday, August 5, 2011, and ends at twelve midnight on Sunday, August 7, 2011. As required by Sales Tax Holiday Rule 810-6-3-.65, a participating county or municipality shall submit a certified copy of their adopted resolution or ordinance providing for the Sales Tax Holiday, and any subsequent amendments thereof, to the Alabama Department of Revenue before July 6, 2011. The Department will compile this information into a list of all counties and municipalities participating in the Sales Tax Holiday and issue a current publication of the list on its website at: www.revenue.alabama.gov/salestax/SalesTaxHol.htm. Notification of participation in the sales tax holiday may not be included in the published list if received after July 6, 2011.

Your taxpayers want to know if your locality will participate in the 2011 Sales Tax Holiday.

Please put it on your calendar to discuss and vote on this matter soon and notify the ADOR of the decision.

Participating? Send a certified copy of any resolution, ordinance, or amendment adopted by your locality.

Not Participating? It is important that you inform us of that fact, as well.

Taxpayers rely on the list provided by the Department of Revenue and the Department cannot post a locality's participation status based on assumption; notification of nonparticipation or copies of resolution/ordinance from the locality is required.

Notification can be faxed, mailed or emailed:

FAX: 334-353-7666

MAIL: ALABAMA DEPARTMENT OF REVENUE
Attention: Wanda Robbins, Room 4311
Sales, Use & Business Tax Division
Post Office Box 327900
Montgomery, Alabama 36132-7900

EMAIL: wanda.robbs@revenue.alabama.gov

QUESTIONS: 334-353-8044

"An Affirmative Action / Equal Opportunity Employer"

ORDINANCE NUMBER: 2011-10

DESIGNATION OF DOWNTOWN COMMERCIAL HISTORIC DISTRICT
IN
THE CITY OF ALEXANDER CITY, ALABAMA
an Alabama municipality

AN ORDINANCE TO DESIGNATE THE DOWNTOWN COMMERCIAL HISTORIC
DISTRICT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALEXANDER CITY, ALABAMA, to designate within the City of Alexander City, Alabama, as authorized by Ordinance 2011-01, a historic preservation district to be known and identified as the "Downtown Commercial Historic District."

The City Council of the City of Alexander City, Alabama, hereby finds and determines that said district as hereinafter described possesses such historic significance by reason of antiquity, architecture, historic importance of persons or events identified therewith, including numerous historic structures and sites, as to give such district a character of historic significance worthy of preservation for the protection of the historic character of the City, and in the interest of the general welfare of the inhabitants of the City, County, and State; that the promotion and preservation of its educational, cultural and economic interests, opportunities and advantages through the preservation and protection of historic buildings, structures, and areas of historic interest, located therein is desirable; that the preservation, protection, and maintenance of the buildings, structures, places and landmarks in the history of the territory and State of Alabama, and of the City of Alexander City is necessary and desirable as being commemorative of the events, circumstances, persons and architecture associated therein; that such buildings, structures and places are tangible reminders of such events, circumstances, persons and architecture; and that the preservation and protection of appropriate settings and environment for said buildings, structures, places and areas are necessary for the promotion, development, and preservation of the economy, commerce and industry of the State of Alabama, and the City of Alexander City by the preservation and protection of such buildings, structures, places and areas and of appropriate settings and environment therefore, and the preservation of the economic value of property within said district is necessary and desirable and in the public interest.

The City Council of the City of Alexander City, Alabama, hereby finds and determines that from and after the passage of this Ordinance, no buildings, structures, or sites shall be erected, constructed, or reconstructed, altered, restored or renovated within said District unless a Certificate of Appropriateness therefore shall have been issued by the Historic Preservation Commission, in accordance with the procedures, powers, and duties of the Commission, herein enumerated, and in accordance with the rules, regulations, and requirements of the Commission adopted pursuant to law, said District being more specifically described as follows:

From the Point of Beginning at a point at the southeast corner of the property line of a parcel of property identified on the Tallapoosa County Tax Maps as parcel # 62 05 08 34 2 202 038.000 continuing in an easterly direction to the centerline of Main Street, then continuing in a northerly direction along the centerline of Main Street to the intersection of the centerline of the Court Square Roundabout, then continuing in a northeasterly direction along the centerline of the Court Square Roundabout to the intersection of the centerline of Tallapoosa Street, then continuing in an easterly direction along the centerline of Tallapoosa Street to the intersection of the centerline of Madison Street, then continuing in a northerly direction along the centerline of Madison Street to the intersection of the centerline of Alabama Street, then continuing in an easterly direction along the centerline of Alabama Street until it parallels with the southeast corner of a parcel of property identified on the Tallapoosa County Tax Maps as parcel # 62 05 08 27 3 301 078.000, then continuing in a northeasterly direction along the centerline of Alabama Street to the intersection of the centerline of Bibb Street, then continuing in a northwesterly direction along the centerline of Bibb Street to the intersection of the centerline of Calhoun Street, then continuing in a southwesterly direction along the centerline of Calhoun Street until it parallels with the centerline of Adams Street, then continuing in a northwesterly direction across the Norfolk Southern Railroad and Jefferson Street to the intersection of the centerline of Jefferson Street and the centerline of Adams Street, then continuing in a northwesterly direction along the centerline of Adams Street to the intersection of the centerline of Wheeler Street, then continuing in a northerly direction along the centerline of Adams Street until it parallels the northeast corner of a parcel of property identified on the Tallapoosa County Tax Maps as parcel # 62 05 08 27 3 301 013.000, then continuing in a westerly direction to the northeast corner of said parcel of property, then continuing in a southwesterly direction along the north property line of said parcel of property to the intersection of the centerline of Green Street, then continuing in a northwesterly direction along the centerline of Green Street to the intersection of the centerline of Wheeler Street, then continuing in a southwesterly direction along the centerline of Wheeler street until

it parallels the southeast corner of a parcel of property identified on the Tallapoosa County Tax Maps as parcel # 62 05 08 27 3 301 027.000, then in a northwesterly direction along the east property line of said parcel of property to the northeast corner of said property, then continuing in a southwesterly direction along the north property line of said parcel of property to the northeast corner of a parcel of property identified on the Tallapoosa County Tax Maps as parcel # 62 05 08 27 3 301 028.001, then continuing in a southwesterly direction along the north property line of said parcel of property to the northeast corner of a parcel of property identified on the Tallapoosa County Tax Maps as parcel # 62 05 08 27 3 301 028.000, then continuing in a southwesterly direction along the north property line of said parcel of property to the northwest corner of said parcel of property, then continuing in a southeasterly direction along the west property line of said parcel of property to the intersection of the centerline of Wheeler Street, then continuing in a southwesterly direction along the centerline of Wheeler Street to the intersection of the centerline of Clay Street, then continuing in a southeasterly direction along the centerline of Clay Street until it parallels with the northeast corner of a parcel of property identified on the Tallapoosa County Tax Maps as parcel # 62 05 08 27 3 301 039.001, then continuing in a southwesterly direction along the north property line of said parcel of property to the northeast corner of a parcel of property identified on the Tallapoosa County Tax Maps as parcel # 62 05 08 27 3 301 039.000, then continuing in a southwesterly direction along the north property line of said parcel of property to the northwest corner of said parcel of property, then continuing in a southeasterly direction along the west property line of said parcel of property to the intersection of the centerline of Broad Street, then continuing in a northeasterly direction along the centerline of Broad Street until it parallels the northeast corner of a parcel of property identified on the Tallapoosa County Tax Maps as parcel # 62 05 08 27 3 301 058.000, then continuing in a southeasterly direction across Norfolk Southern Railroad to the northeast corner of said parcel of property, then continuing in a southerly direction along the east property line of said parcel of property to the southeast corner of said parcel of property, then continuing in a southwesterly direction to the northwest corner of a parcel of property identified on the Tallapoosa County Tax Maps as parcel # 62 05 08 27 3 202 036.000, then continuing in a southerly direction along the west property line of said property to intersection of the centerline of Court Square, then continuing in a southeasterly direction along the centerline of Court Square to the intersection of the centerline of the Court Square Roundabout, then continuing in a southeasterly direction along the centerline of the Court Square Roundabout to the centerline of Church Street, then continuing in a southerly direction along the centerline of Church Street until it parallels the southwest corner of a parcel of property identified on the Tallapoosa County Tax Maps as parcel # 62 05 08 34 2 202 038.000, then continuing in a easterly direction along the south property line of said parcel of property to the Point of Beginning.

The preceding is a property description for a proposed historic district in the City of Alexander City, Tallapoosa County, Alabama. The parcel numbers and the street names used in this description are referenced from the Tallapoosa County Tax Maps of the County of Tallapoosa, Alabama.

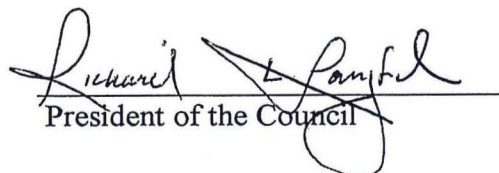
The boundaries of said district shall be shown on the official zoning maps of the city of Alexander City, Alabama as the "Downtown Commercial Historic District."

All ordinances and sections of ordinances in conflict with this ordinance are hereby repealed. The provisions of this ordinance are severable. If any part, provision, section or subsection of the act is declared invalid, or unconstitutional, such declaration shall not affect the parts or provisions that remain. If any section or part of this ordinance conflicts with State statutes, the provisions of State statutes shall apply.

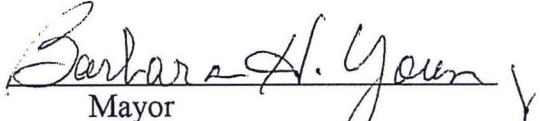
This Ordinance shall become effective upon adoption, approval and publication as required by law.

The City Clerk is hereby directed to cause a copy of this Ordinance to be published in The Alexander City Outlook, a newspaper published in and of general circulation in the City of Alexander City, Tallapoosa County, Alabama.

ADOPTED this 18th day of April, 2011.



President of the Council

APPROVED this 18th day of April, 2011.



Mayor

ATTEST:

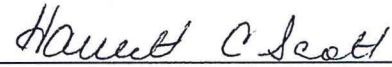


City Clerk

CERTIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. 2011-11 which was duly adopted by the City Council on the 18th day of April, 2011.

WITNESS MY SIGNATURE, as Clerk of the City of Alexander City, Alabama, under the seal thereof, this 18th day of April, 2011.



As Acting Clerk of the City of
Alexander City, Alabama

SEAL

ORDINANCE NO. 2011-11

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

SECTION 1. That Ordinance Number 2003-01 of the City of Alexander City, Alabama, be and is hereby amended by making certain changes in the Zoning Map of the City of Alexander City, Alabama, which is made a part of said Ordinance by reference and description, as follows so as to zone certain property at the request of Scott Davis and Bailey Homes for certain property located at 9856 Highway 280 as described :

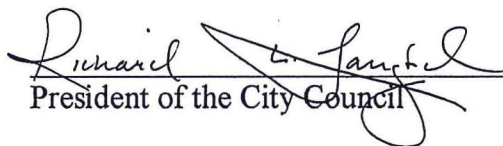
To change from its present B-2 to R-1 (with all restrictions and limitations as provided by the Planning Commission), the following to wit:

Parcel No: 62 11 04 17 0 000 001.19

SECTION 2. That the City Building Inspector and the Zoning Administrator are hereby authorized and directed upon enactment and approval of this amendment to the Zoning Ordinance of the City of Alexander City, Alabama, to cause the said change on the City Zoning Map of said City as set out in Section 1 of this amendment to said ordinance and to make notations in ink thereon of reference to dates of passage and approval of this amendment of the City Zoning Ordinance.

SECTION 3. This ordinance shall take effect immediately upon its adoption and publication as required by law.

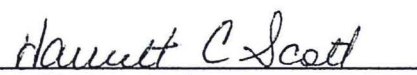
ADOPTED this 9th day of May, 2011.


President of the City Council

APPROVED this 9th day of May, 2011.


Mayor

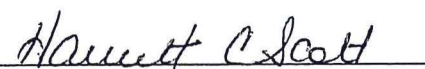
ATTEST:


City Clerk---Acting

CERIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. 2011-11 which was duly adopted by the City Council on the 9th day of May, 2011.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 9th day of May, 2011.


As Acting Clerk of the City of
Alexander City, Alabama

SEAL

20-1
CP 20-3

ORDINANCE NO. 2010-10

WHEREAS, the City Council of the City of Alexander City, Alabama, did by Ordinance No. 097-03 provide a drug-free workplace and establish a testing program which meets both the United States Department of Transportation's rule and the Requirements of Alabama Code 15, Title 25, Chapter 5, Article 13 which enables the City to receive a 5% discount on its Workman's Compensation Insurance Premiums, and

WHEREAS, this drug and alcohol testing program be and is hereby amended to include change published in the Federal Register Notice Volume 74, Number 145 dated July 30, 2009 by adding

- f. Procedures for Transportation Workplace Drug and Alcohol Testing Programs

When testing is performed on events beyond the FTA guidelines, the employer will be notified under which authority he/she is being tested and the agency will utilize non-federal custody and control forms.

1. Test Refusals

- employee behaves in a confrontational way that disrupts the collection process,
- employee fails to follow the observer's instructions to raise and lower their clothing and to turnaround to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process.
- the employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process
- the employee refuses to wash his or her hands after being directed to do so.

2. Observed Collections

The following events will also be required in the following circumstances:

- all return-to-duty tests (second chance policy);
- all follow-up tests (second chance policy);
- anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F- 100°F;
- anytime the employee is directed to provide another specimen because the original specimen appeared to have been tempered with;
- anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
- anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.
- the employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the wrist; and lower clothing and underpants to show the collection, by turning around that they do not have a prosthetic device.


3. Negative Dilute Results

-Following a negative dilute drug test result the employee/applicant will be required to undergo another test. Should this second-test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

WHEREAS, this ordinance implements Ordinance No. 966 (Drug-Free Workplace Policy) adopted April 16, 1992.

NOW, THEREFORE, BE IT ORDAINED that this shall be implemented and administered by the Mayor of this municipality.

ADOPTED this 7th day of June, 2010.




President of the Council

APPROVED this 7th day of June, 2010.



Mayor

ATTEST:

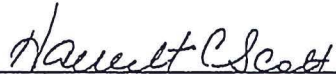


City Clerk

CERTIFICATION OF CITY CLERK

The undersigned, as Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. 2010-10 which was duly adopted by the City Council on the 7th day of June, 2010.

WITNESS MY SIGNATURE, as Clerk of the City of Alexander City, Alabama, under the seal thereof, this 7th day of June, 2010.



As Clerk of the City of Alexander
City, Alabama

SEAL

ORDINANCE NUMBER: 2011-01
HISTORIC PRESERVATION ORDINANCE
OF
THE CITY OF ALEXANDER CITY, ALABAMA
an Alabama municipality

AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION COMMISSION IN THE CITY OF ALEXANDER CITY, ALABAMA; TO PROVIDE FOR DESIGNATION OF HISTORIC PROPERTIES OR HISTORIC DISTRICTS; TO PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF APPROPRIATENESS; TO PROVIDE FOR AN APPEALS PROCEDURE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALEXANDER CITY, ALABAMA AS FOLLOWS:

SECTION I
Purpose

- A. In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Alexander City is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;
- B. In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical attractions to tourists and thereby promote and stimulate business;
- C. In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and
- D. In order to provide for the identification, designation, protection, preservation, perpetuation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;
- E. The City Council of the City of Alexander City hereby declares it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art having special historical, cultural or aesthetic interest or value, in accordance with the provisions of this Ordinance.
- F. A further purpose of this ordinance is to repeal Ordinance No. 2009-11 adopted by the City Council on March 23, 2009 to provide for strict compliance with the enabling statute of the State of Alabama, Code of Alabama Section 11-68-1, et seq.

SECTION II
Definitions

- A. "Certificate of Appropriateness"- Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- B. "City"- Means City of Alexander City

- C. "Exterior Architectural Features"- Means the architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, and other appurtenant architectural fixture, features, details or elements relative to the foregoing.
- D. "Exterior Environmental Features"- Means all those aspects of the landscape or the development of a site which affect the historical character of the property.
- E. "Historic District"- Means a geographically definable area designated by the City Council as a historic district.
- F. "Material Change in Appearance"- Means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, landscape feature or work of art within a historic district, such as:
1. A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors, or windows, or removal or alteration of any architectural features details or elements;
 2. Demolition or relocation of a historic structure;
 3. Commencement of excavation for construction purposes;
 4. A change in the location of advertising visible from the public right of way; or
 5. The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features.

SECTION III

Creation of a Historic Preservation Commission

A. Creation of the Commission

1. There is hereby created a commission whose title shall be "City of Alexander City Historic Preservation Commission" (hereinafter "Commission").

B. Commission Members: Number, Appointment, Terms Compensation and Rules and Standards

1. The Commission shall consist of seven (7) members nominated by the Mayor and appointed by the City Council. The board of Main Street Alexander City shall submit a slate of candidates to the Mayor who may nominate from that slate or submit his/her own nominations. All members shall be residents of the territorial jurisdiction of the city of Alexander City, and should have demonstrated training, experience, or knowledge in the fields of history, architecture, architectural history, urban planning, archaeology or law, or who shall be residents of a historic district designated pursuant to this ordinance. Not more than one of the members of the commission shall be a public official.
2. Members shall serve three-year terms. Members may be reappointed. In order to achieve staggered terms, initial appointments shall be: Two (2) members for one (1) year; two (2) members for two (2) years; and three (3) members for three (3) years. Members of the Commission may be removed for cause by the City Council.

3. Vacancies on the Commission shall be filled by persons nominated by the Mayor and appointed by the City Council. The board of Main Street Alexander City shall submit a slate of candidates to the Mayor who may nominate from that slate or submit his/her own nominations. Such appointments shall be for the unexpired term of the member replaced.
4. Members of the Commission shall elect a chairman and a vice-chairman and such other officer(s) as the members deem necessary.
5. The Commission shall adopt rules of procedure and bylaws to govern its operations and shall communicate those rules of procedure and bylaws to the Mayor and City Council. The bylaws of the Commission shall specify what number of members of the commission constitutes a quorum.
6. Members of the Commission shall serve without compensation. Expenses incurred on behalf of the Commission may be reimbursed only if approved in advance by City Council.
7. The Commission shall adopt Design Guidelines to be used as the standard for evaluating applications for Certificates of Appropriateness and shall communicate those guidelines to the Mayor and City Council. These guidelines shall be consistent with the Secretary of the Interior's "Standards for Historic Preservation Projects" including the Secretary's "Standards for Rehabilitation."

C. Commission Meetings, Minutes and Public Participation

1. All meetings of the Commission must be publicly announced and be open to the public. Commission meetings must occur at regular intervals; however the regular meeting may be cancelled by the Commission chairperson if no applications for a Certificate of Appropriateness are pending. Public notice must be provided prior to any special meetings.
2. Minutes of all decisions and actions of the Commission must be kept on file and available for public inspection.
3. All decisions of the Commission shall be made in a public forum and applicants must be given written notification of the Commission's decision.
4. Rules of procedure adopted by the Commission and the bylaws of the commission must be available for public inspection.
5. During the process of reviewing properties for nomination to the National Register, the Commission must provide opportunity for public comments.

D. Status of Commission as Nonprofit Agency Exempt from Taxation

The Commission shall constitute a non-profit governmental agency. Any funds received by the commission shall be used exclusively for public purposes. Such commission shall have tax exempt status, and any properties of the commission and the income therefrom, together with all leases, agreements and contracts made by it, shall be forever exempt from any and all taxation by the State of Alabama and any political subdivision thereof, including, but not limited to, income, admission, amusement, excise and ad valorem taxes.

E. Statement of the Commission's Power

The Commission shall be authorized to:

1. Preserve and protect buildings, structures and sites of historic and architectural value in the historic districts designated pursuant to this ordinance;
2. Prepare and maintain an inventory of all property within the city having the potential for designation as historic property;
3. Recommend to the City Council specific places, districts, sites, buildings, structures, objects or works of art to be designated by ordinance as historic properties or historic districts;
4. Review applications for Certificate of Appropriateness and grant or deny it in accordance with the provisions of this ordinance;
5. Recommend to the City Council that the designation of any place, district, site, building, structure, objects or works of art as a historic property or as a historic district be revoked or removed;
6. Restore and preserve any historic properties acquired by the city or acquired by the Commission;
7. Promote the acquisition of facade easements and conservation easements by the city;
8. Develop and conduct education programs on historic projects and within historic districts located within the city and on general historic preservation subjects;
9. Make such investigations and studies of matters relating to historic preservation the City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources. This may include the employment of historic preservation experts if the City Council approves funding thereof;
10. Apply for local, state, federal and private funds for historic preservation, and make recommendations to the City Council concerning the most appropriate uses of any funds acquired;
11. Work with other municipal, county, state, federal and private agencies and organizations to perform historic preservation related functions;
12. Receive donations, grants, funds or gifts of historic property; all said receipts shall become the property or assets of the city of Alexander City, Alabama.
13. Purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage and insure real and personal property in carrying out the purposes and responsibilities of the Commission. The Commission shall not obligate the city without prior consent;
14. Review and make comment to the Alabama Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;

15. Assist the Alabama Historical Commission in processing nominations of properties to the National Register of Historic Places;
16. Assist the Alabama Historical Commission in processing applications for certification of historic properties for tax credits for preservation expenditures;
17. Participate in private, state and federal historic preservation programs and, with the consent of the City Council, enter into agreements with the same to perform historic preservation related functions.

F. Annual Report of the Commission's Activities

The Commission shall prepare and file with the City Council and with the Alabama Historical Commission an annual report of its activities as required by the City Council and the Alabama Historical Commission. The annual report shall cover the period from October 1st to September 30th and shall be submitted in October of each year. The report shall include such items as the number of cases reviewed, historic district members; staff, appointments to the Commission, attendance records and all minutes related to the review of National Register nominations. The report shall document attendance at any orientation/training sessions as specified in Section III I.

G. Conflict of Interest

At any time the Commission reviews a project in which a member of the Commission has ownership or other vested interest, that member will be forbidden from presenting, voting, or discussing the project, other than answering a direct question.

H. Records of Commission Meetings

A public record of all Commission resolutions, proceedings and actions shall be maintained at a place designated by the City Council.

I. Responsibilities of Commission Members

Each Commission member and anyone serving the Commission in a technical/professional staff capacity is encouraged to attend informational or educational meetings pertaining to historic preservation. Such meetings may include those sponsored by the Alabama Historical Commission, Board of Advisors, the National Trust for Historic Preservation or a local preservation organization.

J. Liaison between the Commission and the State Historic Preservation Office (Alabama Historical Commission)

Should the City Council elect to become a Certified Local Government, the City Council shall designate a paid member of the city's staff or a person working under contract as a source of technical administrative/professional assistance to be responsible for the operations of the Commission in keeping with the Certified Local Government Program. At least one member of the Commission and/or a representative appointed by the Mayor who has an ongoing relationship with the Commission, will attend the Alabama Certified Local Government orientation/training session sponsored by the Alabama Historical Commission each year.

SECTION IV

Recommendation and Designation of Historic District & Properties

A. Preliminary Research by Commission

1. The Commission is authorized to compile and collect information and conduct surveys of historic resources within the city.
2. Commission's Power to Recommend Districts and Buildings to the City Council for Designation: the Commission shall present to the City Council recommendations for historic districts and properties.
 - a. The commission shall not recommend designation of an historic property or historic district unless it finds that the building, structure, site or district is identified with or represents a significant locality, region, state or nation or has had a significant relationship with the life of a historic person or event, representing a major aspect of the history of the locality, region, state or nation, or if a part of the historic, architectural, archaeological or aesthetic heritage of the locality, region, state, or nation. In the case of an individual building or structure, the commission may recommend designation as an historic property if the commission finds that the building or structure is an example of an architectural style, or combination of architectural styles, which is representative of the municipality creating the commission or which is unique to that municipality. In the case of a district, the commission may recommend designation as an historic district if the commission finds that the district contains vernacular structures which contribute to an overall character and sense of place which is representative of the municipality creating the commission.
3. Commission's Documentation of Proposed Designation: Prior to the Commission's recommendation of a historic district or historic property to the City Council for designation, the Commission shall prepare a report consisting of:
 - a. physical description;
 - b. a statement of the historical, cultural, architectural and/or aesthetic significance;
 - c. a map showing district boundaries and classification (i.e. historic, non-historic) of individual properties therein, or showing boundaries of individual historic properties;
 - d. a statement justifying district or individual property boundaries; and
 - e. representative photographs.

B. Designation of Historic Districts

1. Criteria for selection of historic districts: A historic district is a geographically definable area, which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof;

- a. That are associated with events that have made significant contribution to the broad patterns of our history; or
 - b. That are associated with the lives of persons significant in our past; or
 - c. That embody the distinctive characteristics of a type, period, or method of construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - d. That has yielded or may be likely to yield information important in pre-history or history.
2. Boundaries of the Historic District: Boundaries of a Historic District shall be shown on the official map of the Commission and on the official zoning maps of the city.
 3. Evaluation of properties within the Historic Districts: Individual properties within historic districts shall be classified as:
 - a. historic (contributes to the district)
 - b. non-historic (does not contribute to the district)

C. Designation of a Historic Property

1. Criteria for selection of Historic Properties: A historic property is a building, structure, site, object, work of art; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the city for one of the following reasons:
 - a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - b. That are associated with the lives of persons significant in our past; or
 - c. That embody the distinctive characteristics of a type, period, or method of construction; or
 - d. That has yielded or may be likely to yield information important in pre-history or history.
 - e. That has been designated as a contributing or historical property by the Alabama Historical Commission or the National Register of Historical Places.
2. Boundary Description: boundaries shall be shown on the official map of the commission and on the official zoning maps of the city.

D. Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties

1. Application for Designation of Historic Districts or property: Designations may be proposed by the City Council, the Commission, or
 - a. for historic districts - a historical preservation society, neighborhood association or group of property owners may apply to the Commission for designation;
 - b. for historic properties - a historical preservation society, neighborhood association or property owner may apply to the Commission for designation.

2. Required Components of a Designation Ordinance: Any ordinance designating any property or district as historic shall:
 - a. describe boundaries of the proposed historic district or describe the proposed individual historic property/structure;
 - b. require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of the designated property;
3. Required Public Hearings:
 - a. Before the commission shall recommend the designation of an historic property or historic district, the City Council shall hold a public hearing on the proposed recommendation of historic designation to be held at a time and place, and pursuant to such notices specified in the ordinance creating the commission.
 - b. In addition to the notice of the public hearing required pursuant to subsection a. of this section, all owners of property to be included in the proposed historic designation, as such owners are identified in the relevant property tax rolls, if such owners can be found on reasonable inquiry, shall be notified by mail of the public hearing to be held by the City Council on the proposed recommendation of historic designation.
4. Recommendations on Proposed Designations: A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission within fifteen (15) days following the Public Hearing and shall be in the form of a letter to the City Council.
5. City Council Action on Commission Recommendation: Following receipt of the Commission's recommendation, the City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.
6. Notification of Adoption of Ordinance for Designation: Within thirty (30) days following the adoption of the ordinance for designation by the City Council, the owners of each designated historic property, and the owners of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the City Council which notice shall apprise said owners of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States Mail to the last-known owner of the property shown on the ad valorem tax roles and a notice sent via the United States Mail to the address of the property to the notification to the owner under this ordinance.
7. Notification of Other Agencies Regarding Designation: The City Council shall notify in writing all municipal agencies within the city of the ordinance for designation

8. Moratorium on Applications for Alteration or Demolition while Ordinance for Designation is Pending: If an ordinance for designation is pending before the City Council, the City Council shall have the power to declare a moratorium on the issuance of building/demolition permits within the proposed designated area for no longer than 60 days.

SECTION V

Application to Historic Preservation Commission for Certificate of Appropriateness

A. Approval of Alterations, Demolitions or New Construction in Historic Districts or Involving Historic Properties

After the designation by ordinance of a historic property or of a historic district, no historic property may be demolished, no building or structure in a historic district may be erected or demolished and no material change in the exterior appearance of such historic property, or of a structure, site, object, or work of art within such district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Commission.

B. Approval of New Construction Within Designated Districts

The Commission shall issue Certificates of Appropriateness to new structures constructed within designated historic districts if these structures conform in design, scale, building materials, setback and landscaping to the character of the district specified in the design criteria developed by the Commission.

C. Approval of Signs Within Designated Districts

Signs shall be considered as structures and no sign on a historic property shall be changed, erected or demolished unless and until a Certificate of Appropriateness is approved by the Commission.

D. Approval of Alterations or Demolitions of Public Property Within Historic Districts or Public Property Which has been Designated as a Historic Property

The requirement of a Certificate of Appropriateness shall apply to public property which has been designated as a historic property or which is contained in a historic district, and shall apply to all actions by the public authorities which involve historic properties and properties within historic districts.

E. Approval of Painting Originally Unpainted Surfaces

The painting of originally unpainted surfaces shall require Certificate of Appropriateness.

F. Interior Alterations

In its review of applications for Certificates of Appropriateness, the Commission shall not consider interior arrangement or use having no effect on the exterior architectural features.

G. Failure to Maintain a Historic Property

Demolition by neglect and failure to maintain a historic property or structure in a historic district shall constitute a MATERIAL change for which a Certificate of Appropriateness is necessary.

H. Guidelines and Criteria for Certificates of Appropriateness

The Commission shall adopt rules and regulations setting forth the procedure for submission and consideration of applications for Certificate of Appropriateness. The Commission shall use general design standards, which shall apply in considering the granting and denial of Certificate of Appropriateness. Design standards shall be consistent with the Secretary of the Interior's "Standards for Historic Preservation Projects" including the Secretary's "Standards for Rehabilitation."

I. Submission of Plans to Commission

An application for Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans, or other documentation as may be required by the Commission. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site.

J. Acceptable Commission Action to Applications for Certificate of Appropriateness

1. The Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) conforms to the general design standards established by the Commission, is compatible with the character of the historic property or historic district, and does not detract from the value of the historic property or historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of the other structures in the immediate neighborhood.
2. The Commission shall deny a Certificate of Appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the aesthetic, historic or architectural significance and value of the historic property or the historic district. The Commission shall not grant Certificates of Appropriateness for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.

K. Public Meeting and Hearing on Applications for Certificates of Appropriateness, Notices and Right to be Heard

Applications for Certificates of Appropriateness shall be considered by the Commission at regular public meetings, at a regular hour to be fixed by said Commission, from time to time and publicly announced. At least fourteen (14) days prior to review of a Certificate of Appropriateness, the Commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected by reason of the application, and shall give applicant and such owners an opportunity to be heard. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.

L. Deadline for Approval or Rejection of Application for Certificate of Appropriateness

1. The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant for a historic property, or of a historic structure, site, object or work of art located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Commission. Notice of the issuance or denial of the Certificate of Appropriateness shall be sent by United States Mail to the applicant and all other persons who have requested such notice in writing filed with the Commission.
2. Failure of the Commission to act within said forty-five (45) days shall constitute approval and no further evidence of approval shall be needed. If extenuating circumstances exist, the commission may request an extension to the forty-five (45) day requirement through the Building Department.

M. Necessary Actions to be Taken by the Commission Upon Rejection of Application for Certificate of Appropriateness

1. In the event the Commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions, and reasons, in writing, to the applicant. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application at any time after doing so.
2. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a Building Permit, the rejection of the applicant for a Certificate of Appropriateness by the Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such cases, no building permit shall be issued.

N. Undue Hardships

Where, by reason of unusual circumstances, the strict application of any provision of this ordinance would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications, or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this ordinance. An undue hardship shall be a situation not of the person's own making which is: a) a problem unique to a specific property, or b) in order to comply with this ordinance, the application of any provision of this ordinance will conflict with another ordinance of the city.

O. Appeals

Any Person having a Certificate of Appropriateness denied by the Commission may appeal such denial to the Circuit Court of Tallapoosa County, State of Alabama, within 30 days of the day of such denial.

P. Recording of Applications for Certificate of Appropriateness

The Commission shall keep a public record of all applications for Certificates of Appropriateness and of all the Commission's proceedings in connection with said application.

Q. Requirements of Conformance of Certificate of Appropriateness

1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Commission shall issue a cease and desist order and all work shall cease.
2. The City Council or the Commission with the consent of the City Council shall be authorized to institute an appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in the exterior appearance of a building or structure which is either a historic structure or is located in a historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district, and to recover any damages which may have been caused by the violation of this ordinance.

R. Certificate of Appropriateness Void if Construction Not Commenced

A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable upon review.

S. Technical Advice

The Commission shall have the power to seek technical advice from outside its members on any application. If funding is required it must be approved by the City Council in advance.

SECTION VI

Maintenance of Historic Properties

A. Expedited Review Procedures for Approval of Routine Maintenance

The Commission may adopt expedited review procedures for approval of routine maintenance to historic properties or to buildings or structures in historic districts. Routine maintenance to historic properties includes ordinary maintenance or repair of any exterior architectural or deterioration, decay, or damage, or to sustain the existing form that does not involve a material change in design, material or outer appearance. Expedited review procedures shall waive the requirements for submission of an application for a Certificate of Appropriateness and for consideration at a public meeting.

B. Failure to Provide Ordinary Maintenance or Repair

Property owners of historic properties or properties within historic districts shall not allow their building to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding deterioration by neglect:

1. The Commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors, and openings that allow the elements and vermin to enter, or deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
2. In the event the Commission determines a failure to provide ordinary maintenance or repair, the Commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have NINETY (90) days in which to present a plan for the remedy, which will include a schedule for completion. The plan is subject to approval of the city Building Department.
3. In the event that the plan is not submitted within the NINETY (90) days, the City Council or the Commission with the consent of the City Council may at their discretion, institute an action in a court of competent jurisdiction to compel such maintenance or repair.

SECTION VII

Building and Zoning Code Provisions

Nothing in this Ordinance shall be construed as to exempt property owners from complying with existing city building and zoning codes, nor to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.

SECTION VIII

Penalty Provisions

Any person, firm, partnership, corporation, or other entity, adjudged guilty of violating any provision of this ordinance or any rule or regulation made pursuant to this ordinance shall be guilty of a misdemeanor and shall be punished as provided in Section 1-7 of the Code of Ordinances of the City of Alexander City. This Provision shall be enforced by the City Code Enforcement Officer or his/her designated agent.

SECTION IX

Saving Clause

In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or held invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no manner affect the other sections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or held invalid or unconstitutional were not originally a part thereof.

SECTION X

Repeal of Existing Ordinances and Compliance with State Statutes

All ordinances and sections of ordinances in conflict with this ordinance are hereby repealed. If any section or part of this ordinance conflicts with State statutes, the provisions of State statutes shall apply.

SECTION XI

Effective Date

This Ordinance shall become effective upon adoption, approval and publication as

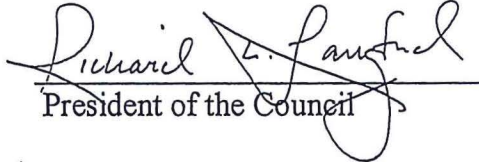
required by law.

SECTION XII

Publication

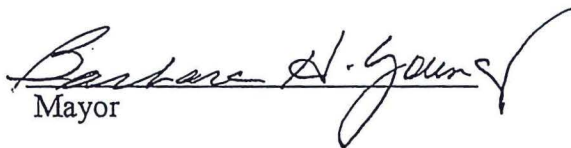
The City Clerk is hereby directed to cause a copy of this Ordinance to be published in The Alexander City Outlook, a newspaper published in and of general circulation in the City of Alexander City, Tallapoosa County, Alabama.

ADOPTED this 4th day of October, 2010.



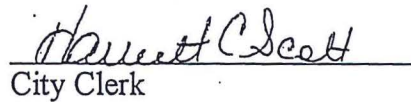
President of the Council

APPROVED this 4th day of October, 2010.



Mayor

ATTEST:



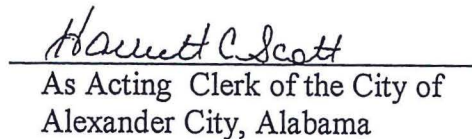
City Clerk

CERIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a correct, and complete copy of Ordinance No. 2011-01 which was duly adopted by the City Council on the 4th day of October, 2010.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 4th day of October, 2010.

SEAL



As Acting Clerk of the City of
Alexander City, Alabama

ORDINANCE NO. 2011-12

AN ORDINANCE TO AMEND A PLAN FOR FLOOD DAMAGE PREVENTION
ORDINANCE NO. 2005-02

BE IT ORDAINED by the City Council of the City of Alexander City, Alabama, in a regular meeting on this the 5th day of July, 2011, as follows:

1. That Ordinance No. 2005-02 adopted by the City Council of the City of Alexander City, Alabama on the 1st day of November, 2004 be and is hereby amended as follows:

Article 2. Section B: Basis for Area of Special Flood Hazard

Change Flood Insurance Rate Map (FIRM) to Flood Insurance Study (FIS) in all locations in this Section.

Article 3. Section C: Duties and Responsibilities of the Administrator

Paragraph 1. Remove: and, assure that sites are reasonably safe from flooding.

Article 6. Definitions

"Development" Remove the word "permanent".

"Elevated building" Remove the word "fill".

"Existing manufactured home park or subdivision" Add the date "November 1, 2004" in the blank.

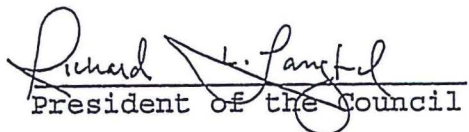
"New construction" Add the date "November 1, 2004" in the blank.

"New manufactured home park or subdivision" Add the date "November 1, 2004" in the blank.

The Legislature of the State of Alabama has in Title 11, Chapter 19, Section 1-24, Chapter 45, Sections 1-11, Chapter 52, Sections 1-84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of it's citizenry. This plan shall become effective upon its adoption and is incorporated herein by reference thereto and made a part thereof.

2. That any Ordinance or part of any Ordinance in conflict with the provisions of this Ordinance are hereby repealed and rescinded.
3. This Ordinance shall be effective immediately upon adoption and publication as required by law.

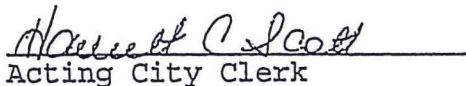
ADOPTED this 5th day of July, 2011.


Richard H. Langford
President of the Council

APPROVED this 5th day of July, 2011


Barbara H. Young
Mayor

ATTESTED


Harold C. Scott
Acting City Clerk

ORDINANCE NO. 2011-12

PAGE NO. 2

CERTIFICATION OF CITY CLERK

The undersigned, as the Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a true, correct and complete copy of Ordinance No. 2011-12 which was duly adopted by the City Council on the 5th day of July, 2011.

WITNESS MY SIGNATURE, as Clerk of the City of Alexander City, Alabama, under the seal thereof, this 5th day of July, 2011.

Harold Platt

As Acting Clerk of the
City of Alexander City,
Alabama

SEAL

FLOOD DAMAGE PREVENTION ORDINANCE [ADECA/8-02]
Non-Coastal Communities

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24, Chapter 45, Sections 1-11, Chapter 52, Sections 1-84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the _____ (governing body) _____, of _____, Alabama, does ordain as follows:

SECTION B. FINDINGS OF FACT

- (1) The flood hazard areas of _____, Alabama are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion
- (3) control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- (4) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;

- (5) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

SECTION D. OBJECTIVES

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) to minimize expenditure of public money for costly flood control projects;
- (5) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) to minimize prolonged business interruptions, and;
- (7) to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of _____, Alabama.

SECTION B. BASIS FOR AREA OF SPECIAL FLOOD HAZARD

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its **Flood Insurance Study (FIS)**, dated _____, with accompanying maps and other supporting data **and any revision thereto**, are adopted by reference and declared a part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for (***unincorporated county***) are hereby adopted by reference. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS. (***Identify specific areas here***)

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any Development activities.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted or altered without **full compliance** with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of _____ (community name) _____ or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION H. PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$ _____ or imprisoned for not more than _____ days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the _____ (community name) _____ from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE 3. ADMINISTRATION

SECTION A. DESIGNATION OF ORDINANCE ADMINISTRATOR

The _____ (Agency) _____ is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. PERMIT PROCEDURES

Application for a Development Permit shall be made to the _____ (local administrator) _____ on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(1) Application Stage -

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood proofed;
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Sections B(2) and D(2);
- (d) Design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in a Coastal High Hazard Area will meet the criteria of Article 4, Section E(5);
- (e) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) Construction Stage -

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level using appropriate FEMA elevation or flood-proofing certificate immediately after the lowest floor or flood proofing is completed. When flood proofing is utilized for non-residential structures, said

certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The _____ (administrator) _____ shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the _____ (Administrator) _____ shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2 Section B, then the _____ (administrator) _____ shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with Article 3 Section B(2) .
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, Sections B (2) and D (2).
- (6) When flood proofing is utilized for a structure, the _____ (administrator) _____ shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3(B)(1)(c) and Article 4(B)(2) or (D)(2).
- (7) Notify adjacent communities and the Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the

Alabama Department of Economic and Community Affairs/Office of Water Resources.

- (8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA and State to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (9) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the **Administrator** shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the **Administrator** and shall be open for public inspection.

ARTICLE 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In ALL Areas of Special Flood Hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) Elevated Buildings - All New construction or substantial improvements of existing structures that include **ANY fully enclosed area** located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (i) Provide a **minimum of two openings** having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
- (b) So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

SECTION B. SPECIFIC STANDARDS

In ALL Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required:

- (1) New construction and substantial improvements - Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A(4), "Elevated Buildings."
- (2) Non-Residential Construction - New construction or the substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C (6).
- (3) Standards for Manufactured Homes and Recreational Vehicles - Where base flood elevation data are available:
 - (a) All manufactured homes placed or substantially improved on: (i) individual lots or parcels, (ii) in new or substantially improved manufactured home parks or subdivisions, (iii) in expansions to existing manufactured home parks or subdivisions, or (iv) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement elevated no lower than one foot above the base flood elevation.
 - (b) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
 - (ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an

equivalent strength) of no less than 36 inches in height above grade.

- (c) All Manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Refer to Article 4, Section A above)
 - (d) All recreational vehicles placed on sites must either:
 - (i) Be on the site for fewer than 180 consecutive days, fully licensed and ready for highway use if it is licensed, on it's wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or
 - (ii) The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of Article 4 Section B (3)(a)(c), above.
- (4) **Floodway.** Located within Areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
- (a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment **shall not result in any increase** in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
 - (b) **ONLY** if Article 4 (B)(4)(a) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.

SECTION C. BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAY (A-ZONES)

Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (A-Zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Article 2(B), then the _____ (local administrator) _____ shall obtain, review, and reasonably utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 4. ONLY if data are not available from these sources, then the following provisions (2&3) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A(4) "Elevated Buildings".

The _____ (Administrator) _____ shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Areas of Special Flood Hazard established in Article 2, Section B, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM) above the highest adjacent grade. **If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least FIVE feet (5) above the highest adjacent grade.** Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A(4), "Elevated Buildings".

The _____ (Administrator) _____ shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. **The structure, together with**

attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus two (2) feet, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Articles 3(B)(1)(c) and (3)(B)(2).

- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

SECTION E. STANDARDS FOR SUBDIVISIONS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

ARTICLE 5. VARIANCE PROCEDURES

- (A) The _____ (appointed board) _____ as established by _____ (local unit) _____ shall hear and decide requests for appeals or variance from the requirements of this ordinance.
- (B) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the _____ (local official) _____ in the enforcement or administration of this ordinance.
- (C) Any person aggrieved by the decision of the _____ (appointed board) _____ may appeal such decision to the _____ (appropriate court) _____, as provided in _____ (state statute) _____.

- (D) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (G) In reviewing such requests, the _____ (appointed board) _____ shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- (H) **Conditions for Variances:**
- (1) **A variance shall be issued ONLY when there is:**
 - (i) a finding of good and sufficient cause,
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and,
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (2) The provisions of this Ordinance are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (3) **Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.**

(4) The _____ (administrator) _____ shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.

(I) Upon consideration of the factors listed above and the purposes of this ordinance, the _____ (appointed board) _____ may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

ARTICLE 6. DEFINITIONS (Note: * Indicates data must be inserted)

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".

***"Appeal"** means a request for a review of the _____ (**appointed officials'**) _____ interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 2, Section B.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and permanent storage of equipment or materials.

"Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

***"Existing Construction"** Any structure for which the "start of construction" commenced before _____ a specific date _____. [i.e., the effective date of the FIRST floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].

***"Existing manufactured home park or subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before _____ a specific date _____. [i.e., the effective date of the FIRST floodplain management regulations adopted by a community].

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters; or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study" the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

"Floodplain" means any land area susceptible to flooding.

"Floodway" (Regulatory Floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is;

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in

accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

"Manufactured home" means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or other datum.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" means ANY structure (see definition) for which the "start of construction" commenced after ___ a specific date ___ and includes any subsequent improvements to the structure. [* i.e., the effective date of the FIRST floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)] and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after ___ a specific date ___. [i.e., the effective date of the first floodplain management regulations adopted by a community].

"Repetitive Loss" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Recreational vehicle" means a vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;

- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been

identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

ARTICLE 7. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Ordinance adopted on _____

BY: _____

(Signature of Governing Board)

ARTICLE 7. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Ordinance adopted on November 1, 2004.

BY: *Barbara H. Young*
Barbara H. Young - Mayor
Gwendolyn D. Coley
Gwendolyn D. Coley
Richard L. Langford
Richard L. Langford
Glenn C. Thomas
Glenn C. Thomas
Lottie D. Wyckoff
Lottie D. Wyckoff
Skipper Worthy
Skipper Worthy
Lorenzo H. Grant
Lorenzo H. Grant
(Signature of Governing Board)

Certified by: *Luise Hardman*
Luise Hardman

Date: November 1, 2004

SEAL

