

## **ORDINANCE NO. 2021- 01**

### **ORDINANCE REQUIRING BUILDING PERMITS**

BE IT ORDAINED by the Town Council of the Town of Cleveland, Alabama as follows:

#### **Section 1. Enforcing Officer.**

The provisions of this Ordinance shall be administered and enforced by the Building Official of the Town of Cleveland, Alabama. The Town Building Official shall be the Mayor and/or the Town Water Superintendent, or their designee. He may be provided with the assistance of such other person or persons as the Mayor or the Town Council may direct. The Building Official, or the duly authorized representative, shall in relation to this Ordinance:

- A. Review all building permit applications with regard to conformance with all applicable provisions of this Ordinance and the Town's building codes and perform required inspections to insure such conformance.
- B. Issue all building permits and maintain records thereof.
- C. Issue all certificates of occupancy and maintain records thereof.
- D. Issue and renew, where applicable, all temporary use permits and maintain records thereof.
- E. Maintain current town maps and records of amendments thereto.
- F. Have the right to enter upon any premises at any reasonable time for the purpose of making inspection of land or structures necessary to carry out the enforcement of this Ordinance. If the Building Official shall find that any of the provisions of this Ordinance are being violated, he shall proceed to notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structure or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

## **Section 2. Building Permit Required.**

It shall be unlawful to obtain a building permit to commence the excavation or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alterations, or repair (except repairs not changing the character of the structure and not exceeding one hundred dollars in value or painting or wallpapering) of any structure, including accessory structures, until the Building Official has issued written authorization that the plans, specifications, and intended use of such structure in all respects conforms with the provisions of this Ordinance.

## **Section 3. Plot Plan.**

A. It shall be unlawful for the Building Official to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Official shall require that every application for a building permit be accompanied by a plot plan drawn to scale, dimensioned, and showing the following in sufficient detail to enable the Building Official to ascertain whether the proposed development is in conformance with this ordinance:

1. The actual shape, proportion and dimensions of the lot to be built upon.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot, both above and below existing grade.
3. The existing and intended use of all such buildings or other structures.
4. The setback and side lines of buildings on adjoining lot and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.

## **Section 4. Site Plan Review.**

A. New construction and substantial site development expansion of all planned residential developments, townhouses, patio homes, 5 or more multi-family dwellings, institutional uses, commercial uses, and industrial uses shall require the approval of a site plan prepared by a professional engineer licensed in the State of Alabama, with the minimum information

described below. One reproducible set of plans and five copies of each set shall be submitted for approval.

1. Cover sheet with:

a. Name and location of the development; name, address and signature of the owner, name, address and seal of the engineer.

b. Vicinity map.

c. Zoning and existing and proposed land use of the site.

d. Date, scale, north arrow and number of streets.

2. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.

3. Drainage, paving, grading and excavation, erosion and sedimentation, storm water detention, floodplain management controls.

4. Public and private utilities, including sewage disposal system and water system.

5. Fire lanes and hydrants.

B. The Building Official shall review the site plans for general completeness and compliance with this Ordinance and shall forward copies of the plans to the Fire Chief and Police Chief for their review and comment. The Building Official shall provide the applicant with a decision for approval or disapproval within two weeks of submittal. The reasons for disapproval, along with all review comments, shall be stated in writing to the applicant. A reproducible copy of the final approved site plan shall be submitted by the applicant and retained on file by the Building Official. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan. An approved site plan shall become null and void if significant development does not commence within twelve month of approval.

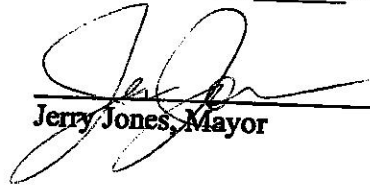
In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Official of the Town or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent unlawful erection, construction, alteration, repair, conversion, maintenance or use, to correct or abate violations or to prevent occupancy of such building, structure or land.

**Section 10. Appeals.**

**10.1 Town Council.**

The Town Council shall hear and decide appeals where it is alleged that an error exists in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Ordinance. Appeals must be filed within 14 days of any appealable decision made by the Building Official.

ADOPTED AND APPROVED this the 9th day of September 2021.

  
Jerry Jones, Mayor

ATTEST:

  
Town Clerk *Interim*

C. The applicant shall reimburse the Town for any professional fees incurred in the review of the applicant's site plan.

**Section 5. Certificate of Occupancy.**

Within three (3) days after the owner or his agent has notified the Building Official of the Town that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official of the Town to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of the Ordinance, or if such certificate is refused, to state the refusal in writing with the cause. One copy of the signed certificate of occupancy, a signed statement by the owner or his agent regarding the intended use of the premises, and a signed refusal (if any) shall be kept on file with the records of the Building Official. Appeals from the Building Official shall be heard by the Zoning Board of Adjustment.

**Section 6. Expiration of Building Permit.**

Any permit that has been issued, for which no construction work has been done above the foundation walls or other foundation support within ninety (90) days from the date of issuance shall expire by limitation, but shall upon reapplication be renewable, subject, however, to the provisions of all ordinances in force at the time of said renewal. Construction of the building shall be completed within one year from the date of issuance of the building permit.

**Section 7. Unlawful Structure.**

Any uses of land or dwellings or construction or alteration of buildings or structures including tents or trailers, coaches or uses erected, altered, razed or converted in violation of any of the provisions of the Ordinance are hereby declared to be a nuisance per se. The Building Official is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the Building Official has determined a structure is not in compliance with the requirements contained in this Ordinance, the owner or occupant may be required to vacate such structure or premises until such has been adapted to conform with the provisions of this Ordinance.

**Section 8. Penalties.**

Any person, firm, corporation, or other organization, which violates any provision of the Ordinance, shall be fined upon conviction not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and costs of court for each offense. Each Day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance.

**Section 9. Remedies.**