

Anniston, Alabama
August 9, 2011

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Tuesday, August 9, 2011, at approximately 5:20 o'clock p.m.

Mayor Robinson prayed the Invocation.

Mayor Robinson led the Pledge of Allegiance to the Flag.

Mayor Robinson called the meeting to order. On call of the roll the following Council Members were found to be present: Council Members Spain, Palmore, Dawson and Robinson; absent: Council Member Little. A quorum was present and the meeting opened for the transaction of business.

Don A. Hoyt, City Manager, was present.

Cleo Thomas, City Attorney, was present.

Council Member Spain made a motion to dispense with the reading of and approve the minutes of July 26, 2011. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried.

Mayor Robinson made a motion to delete from the agenda a proposed action item by Council Member Dawson and to add to the agenda a motion concerning the Old Time Festival. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried.

Council Member Dawson made a motion to adopt the agenda as amended. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried.

Council Member Spain reintroduced and read Ordinance Number 11-O-14 as follows:

ORDINANCE NO. 11-O- 14

AN ORDINANCE AMENDING SECTIONS 16.1 AND 16.24(B) OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON AND TO ADD SECTIONS 16.8 AND 16.9

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends the following Sections of "The Code of City of Anniston, Alabama, 1981" as follows:

Section 2. That Section 16.1 of the Code of Ordinances of the City of Anniston, Alabama is hereby amended to read:

Section 16.1 Prohibited generally.

It shall be unlawful to create any unreasonably loud, disturbing and unnecessary noise within the city as defined herein. Violators of this Chapter are subject to the penalties specified in Section 16.24

Section 3. That Section 16.24(b) of the Code of Ordinances of the City of Anniston, Alabama is hereby amended to read:

Section 16.24 (b) Penalties.

Any person violating any provision of this article shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or both, in the discretion of the City Court.

Section 4. That Section 16.8 is added to the Code of Ordinances of the City of Anniston, Alabama to read:

Section 16.8 Private Nightclubs and Entertainment Facilities

- (a) *Whether for personal or commercial purposes, no person or persons owning, employing or having the care, custody or possession of any musical instrument, radio, television, phonograph, public address system or other instrument, machine or device for amplifying, producing or reproducing sound, shall operate, use (or permit to be operated or used) such instrument, machine or device in such a manner as to disturb the peace and comfort of neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are on the premises or in the room or chamber within which or from which such instrument, machine or device is operated and who are voluntary listeners thereto.*
- (b) *The operation of any such instrument, machine or device in such a manner as to be audible on any adjacent or adjoining property shall be prima facie evidence of a violation of this section unless specifically permitted by ordinance or law or by the City of Anniston.*

Section 5. That Section 16.9 is added to the Code of Ordinances of the City of Anniston, Alabama to read:

Section 16.9 Vehicles

No person operating or occupying a motor vehicle on any street, highway, alley, parking lot, or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of five (5) or more feet from the vehicle or, in the case of a motor vehicle on private property, beyond the property line.

- (a) *For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty or more feet, however, words or phrases need not be discernible and said sound shall include bass reverberation.*
- (b) *Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by local government agencies or any utility company, for sound emitted unavoidably during job-related operation, or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of the city, county, or state government.*

Section 6. That this Ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED AND ADOPTED this the 9th day of August, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ Herbert N. Palmore, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Spain made a motion for the passage and adoption of Ordinance Number 11-O-14 as reintroduced and read. The motion was seconded by Mayor Robinson; and on

call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Ordinance Number 11-O-14 was passed and adopted.

Council Member Dawson introduced and read Ordinance Number 11-O-15 as follows:

ORDINANCE NO. 11-0-15

AN ORDINANCE AMENDING SECTION 15.51 OF THE CODE OF ORDINANCES OF THE CITY PROHIBITING PARKING ON A PORTION OF COMMERCE BOULEVARD

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends the following sections of "The Code of the City of Anniston, Alabama, 1981" as follows:

Section 2. That Section 15.51 of the Code of Ordinances of the City of Anniston, Alabama is hereby amended to read:

Sec. 15.51. - Prohibited parking zones.

When signs are erected giving notice thereof, no person shall at any time park a vehicle upon any of the streets, or portions thereof, designated as no parking zones. The following streets, or portions thereof, are hereby designated as no parking zones:

18(a) Cooper Avenue, on the west side, from 15th Street to 19th Street.

18(b) Commerce Boulevard, on the east side, beginning from a point of 50 feet south of the center line of Red Morris Parkway extending 280 feet.

Section 3. That this Ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED AND ADOPTED this the 9th day of August, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ Herbert N. Palmore, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Dawson made a motion for the unanimous consent of the Council Members present for the immediate consideration of Ordinance Number 11-O-15 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Ordinance Number 11-O-15 as introduced and read, Council Member Dawson made a motion for the passage and adoption of Ordinance Number 11-O-15 as introduced and read. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Ordinance Number 11-O-15 was passed and adopted.

Council Member Spain introduced and read Ordinance Number 11-O-16 as follows:

ORDINANCE NO. 11-O-16

AN ORDINANCE TO ADOPT BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE TO PROVIDE FOR THE SAFE AND

SANITARY CONSTRUCTION, USE AND OCCUPANCY OF BUILDINGS IN THE
CITY.

WHEREAS the City Council considers the safety and health of its citizens to be of paramount importance, and

WHEREAS providing standards and requirements for the safe and sanitary use and occupancy of buildings and structures in the city is the primary way to promote that condition, and

WHEREAS the adoption of current recognized professional construction, maintenance, and fire protection codes devised by the International Code Council is a crucial element of that effort,

NOW THEREFORE be it ordained by the City Council of Anniston, Alabama as follows:

Section 1. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Anniston, Alabama, being marked and designated as the *International Existing Building Code, 2009 edition*, including Appendix Chapters in Code section 10 1.2.1, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Anniston, Alabama, for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the City Clerk of the City are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1 Insert: the City of Anniston, Alabama

Section 105.1.1 Delete in its entirety

Section 105.1.2 Delete in its entirety

Section R105.2 Delete in its entirety Section 1 under the category "*Building*"

Section R105.2 In Section 2 under the category "*Building*," replace the text in its entirety with: "*Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work, only when performed by an owner on his or her residential property.*"

Section 105.5 Replace the text in its entirety with: "*Expiration of permits shall be governed by Section 31.4 of the Anniston Alabama Zoning Ordinance.*"

Section 108.4 Replace the text in its entirety with: "*Any person who commences work of any kind that requires one or more permits prior to obtaining the required permit or permits shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exception shall be made for "*Emergency Repairs*" as outlined in Section 105.2.1 of this Code.*"

Section 1301.2 Insert: September 8, 1942

Section 3. Ordinance No. 03-O-06 entitled "An Ordinance to Adopt by Reference the 2003 Edition of the International Existing Building Code" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Nothing in this ordinance or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. Alan B. Atkinson, the City Clerk of the city is hereby ordered and directed to cause this ordinance to be published one time in a newspaper of general circulation in the City of Anniston, Alabama.

Section 7. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect upon publication or its otherwise becoming law.

PASSED AND ADOPTED this the 9th day of August, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ Herbert N. Palmore, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Spain made a motion for the unanimous consent of the Council Members present for the immediate consideration of Ordinance Number 11-O-16 as introduced and read. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Ordinance Number 11-O-16 as introduced and read, Council Member Spain made a motion for the passage and adoption of Ordinance Number 11-O-16 as introduced and read. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Ordinance Number 11-O-16 was passed and adopted.

Council Member Palmore introduced and read Ordinance Number 11-O-17 as follows:

ORDINANCE NO. 11-O- 17

AN ORDINANCE TO ADOPT BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE TO PROVIDE FOR THE SAFE AND SANITARY CONSTRUCTION, USE AND OCCUPANCY OF BUILDINGS IN THE CITY.

WHEREAS the City Council considers the safety and health of its citizens to be of paramount importance, and

WHEREAS providing standards and requirements for the safe and sanitary use and occupancy of buildings and structures in the city is the primary way to promote that condition, and

WHEREAS the adoption of current recognized professional construction, maintenance, and fire protection codes devised by the International Code Council is a crucial element of that effort,

NOW THEREFORE be it ordained by the City Council of Anniston, Alabama as follows:

Section 1. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Anniston, Alabama, being marked and designated as the *International Mechanical Code, 2009 edition*, including Appendix A as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Anniston, Alabama, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, re-location, replacement, addition to, use, or maintenance of mechanical systems as herein provided, providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the City Clerk of the City are hereby referred to, adopted, and made a part hereof, as if fully set out in this

ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1 Insert: the City of Anniston, Alabama

Section 106.4.3 Replace the text in its entirety with: *“Expiration of permits shall be governed by Section 31.4 of the Anniston Alabama Zoning Ordinance.”*

Section 106.5.1 Replace the text in its entirety with: *“Any person who commences work of any kind that requires a permit(s) prior to obtaining the required permit(s) shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exception shall be made where equipment replacements and repairs must be performed in an emergency situation. In cases as such, the permit application shall be submitted within the next business day to the building official.”*

Section 106.5.2 Replace the text in its entirety with: *“A fee for each required mechanical permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.”*

Section 106.5.3 Replace the text in its entirety with: *“The building official is authorized to establish a refund policy.”*

Section 106.5.4 Insert a new sub-section with the following heading and text: *“Mechanical permit valuations.” Mechanical permit valuations shall include total value of the work for which a permit is being issued, including materials and labor.”*

Section 108.4 Replace the text in its entirety with: *“Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs mechanical items of work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.”*

Section 108.5 Amend the last sentence to read: *“Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.”*

Section 3. Ordinance No. 03-O-06 entitled “An Ordinance to Adopt by Reference the 2003 Edition of the International Mechanical Code” and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Nothing in this ordinance or in the Mechanical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. Alan B. Atkinson, the City Clerk of the city is hereby ordered and directed to cause this ordinance to be published one time in a newspaper of general circulation in the City of Anniston, Alabama.

Section 7. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect upon publication or its otherwise becoming law.

PASSED AND ADOPTED this the 9th day of August, 2011.

By: /s/ Gene Robinson, Mayor
By: /s/ John Spain, Council Member
By: /s/ Herbert N. Palmore, Council Member
By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Palmore made a motion for the unanimous consent of the Council Members present for the immediate consideration of Ordinance Number 11-O-17 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Ordinance Number 11-O-17 as introduced and read, Council Member Palmore made a motion for the passage and adoption of Ordinance Number 11-O-17 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Ordinance Number 11-O-17 was passed and adopted.

(Council Member Palmore left the meeting at approximately 5:45 p.m.)

Mayor Robinson introduced and read Ordinance Number 11-O-18 as follows:

ORDINANCE NO. 11-O- 18

AN ORDINANCE TO ADOPT BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE TO PROVIDE FOR THE SAFE AND SANITARY CONSTRUCTION, USE AND OCCUPANCY OF BUILDINGS IN THE CITY.

WHEREAS the City Council considers the safety and health of its citizens to be of paramount importance, and

WHEREAS providing standards and requirements for the safe and sanitary use and occupancy of buildings and structures in the city is the primary way to promote that condition, and

WHEREAS the adoption of current recognized professional construction, maintenance, and fire protection codes devised by the International Code Council is a crucial element of that effort,

NOW THEREFORE be it ordained by the City Council of Anniston, Alabama as follows:

Section 1. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Anniston, Alabama, being marked and designated as the *International Residential Code, 2009 edition*, including Appendix G, H, J, and Q as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Anniston, Alabama, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached, one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of ingress and egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City Clerk of the City are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section R101.1 Insert: the City of Anniston, Alabama

Section R105.2 Delete in its entirety Sections 1, 2, 3, 5 & 10 under the category "Building"

Section R105.2 In Section 6 under the category “*Building*” replace the text in its entirety with: “*Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work, unless performed by a contractor.*”

Section R105.5 Replace the text in its entirety with: “*Expiration of permits shall be governed by Section 31.4 of the Anniston Alabama Zoning Ordinance.*”

Section 108.6 Replace the text in its entirety with: “*Any person who commences work of any kind that requires a permit(s) prior to obtaining the required permit(s) shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exception shall be made for ‘Emergency Repairs’ as outlined in Section 105.2.1 of this Code.*”

Section R301.2 Delete the following text: “*Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2 (1).*”

Table R301.2 (1) Delete in its entirety

Section R313 Delete in its entirety

Section P2603.6.1 Insert: 12 inches & 12 inches

Section 3. Ordinance No. 03-O-06 entitled “An Ordinance to Adopt by Reference the 2003 Edition of the International Residential Code” and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. That nothing in this ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. Alan B. Atkinson, the City Clerk of the city is hereby ordered and directed to cause this ordinance to be published one time in a newspaper of general circulation in the City of Anniston, Alabama.

Section 7. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect upon publication or its otherwise becoming law.

PASSED AND ADOPTED this the 9th day of August, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Mayor Robinson made a motion for the unanimous consent of the Council Members present for the immediate consideration of Ordinance Number 11-O-18 as introduced and read. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Ordinance Number 11-O-18 as introduced and read, Mayor Robinson made a motion for the passage and adoption of Ordinance Number 11-O-18 as introduced and read. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and Ordinance Number 11-O-18 was passed and adopted.

Council Member Dawson introduced and read Ordinance Number 11-O-19 as follows:

ORDINANCE NO. 11-O- 19

AN ORDINANCE TO ADOPT BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL FUEL GAS CODE TO PROVIDE FOR THE SAFE AND SANITARY CONSTRUCTION, USE AND OCCUPANCY OF BUILDINGS IN THE CITY.

WHEREAS the City Council considers the safety and health of its citizens to be of paramount importance, and

WHEREAS providing standards and requirements for the safe and sanitary use and occupancy of buildings and structures in the city is the primary way to promote that condition, and

WHEREAS the adoption of current recognized professional construction, maintenance, and fire protection codes devised by the International Code Council is a crucial element of that effort,

NOW THEREFORE be it ordained by the City Council of Anniston, Alabama as follows:

Section 1. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Anniston, Alabama, being marked and designated as the *International Fuel Gas Code*, 2009 edition, including Appendix D as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Anniston, Alabama, for regulating and governing fuel gas systems and gas fired appliances as herein provided, providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the City Clerk of the City are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1 Insert: the City of Anniston, Alabama

Section 106.5.3 Replace the text in its entirety with: "*Expiration of permits shall be governed by Section 31.4 of the Anniston Alabama Zoning Ordinance.*"

Section 106.6.1 Replace the text in its entirety with: "*Any person who commences work of any kind that requires a permit(s) prior to obtaining the required permit(s) shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exception shall be made where equipment replacements and repairs must be performed in an emergency situation. In cases as such, the permit application shall be submitted within the next business day to the building official.*"

Section 106.6.2 Replace the text in its entirety with: "*A fee for each required fuel gas permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.*"

Section 106.6.3 Replace the text in its entirety with: "*The building official is authorized to establish a refund policy.*"

Section 106.6.4 Insert a new Sub-section with the following heading and text: "*Fuel gas permit valuations.*" Fuel gas permit valuations shall include total value of the work for which a permit is being issued, including materials and labor."

Section 108.4 Replace the text in its entirety with: "*Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs fuel gas items or work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.*"

Section 108.5 Amend the last sentence to read: "*Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a*

violation or unsafe condition, shall be subject to penalties as prescribed by law.”

Section 3. Ordinance No. 03-O-06 entitled “An Ordinance to Adopt by Reference the 2003 Edition of the International Fuel Gas Code” and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Nothing in this ordinance or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. Alan B. Atkinson, the City Clerk of the city is hereby ordered and directed to cause this ordinance to be published one time in a newspaper of general circulation in the City of Anniston, Alabama.

Section 7. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect upon publication or its otherwise becoming law.

PASSED AND ADOPTED this the 9th day of August, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Dawson made a motion for the unanimous consent of the Council Members present for the immediate consideration of Ordinance Number 11-O-19 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried.

Unanimous consent of the Council having been given for the immediate consideration of Ordinance Number 11-O-19 as introduced and read, Council Member Dawson made a motion for the passage and adoption of Ordinance Number 11-O-19 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and Ordinance Number 11-O-19 was passed and adopted.

Council Member Spain introduced and read Ordinance Number 11-O-20 as follows:

ORDINANCE NO. 11-O- 20

AN ORDINANCE TO ADOPT BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE TO PROVIDE FOR THE SAFE AND SANITARY CONSTRUCTION, USE AND OCCUPANCY OF BUILDINGS IN THE CITY.

WHEREAS the City Council considers the safety and health of its citizens to be of paramount importance, and

WHEREAS providing standards and requirements for the safe and sanitary use and occupancy of buildings and structures in the city is the primary way to promote that condition, and

WHEREAS the adoption of current recognized professional construction, maintenance, and fire protection codes devised by the International Building Code Council is a crucial element of that effort,

NOW THEREFORE be it ordained by the City Council of Anniston, Alabama as follows:

Section 1. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Anniston, Alabama, being marked and designated as the *International Building Code*, 2009 edition, including Appendix Chapters B, E, G, I, J, and K as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Anniston, Alabama, for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City Clerk of the City are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1 Insert: the City of Anniston, Alabama

Section 105.1.1 Delete in its entirety

Section 105.1.2 Delete in its entirety

Section 105.2 Delete in its entirety Sections 1, 2, 4, 6 & 7 under the category "*Building*"

Section 105.5 Replace the text in its entirety with: "*Expiration of permits shall be governed by Section 31.4 of the Anniston Alabama Zoning Ordinance.*"

Section 109.4 Replace the text in its entirety with: "*Any person who commences work of any kind that requires one or more permits prior to obtaining the required permit or permits shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exceptions shall be made for "Emergency Repairs" as outlined in Section 105.2.1 of this Code.*"

Section 1612.3 Insert: Calhoun County, Alabama and Incorporated Areas

Section 1612.3 Insert: August 1, 2006

Section 3412.2 Insert: September 8, 1942

Section 3. Ordinance No. 03-O-06 entitled "An Ordinance to Adopt by Reference the 2003 Edition of the International Building Code" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. Alan B. Atkinson, the City Clerk of the city is hereby ordered and directed to cause this ordinance to be published one time in a newspaper of general circulation in the City of Anniston, Alabama.

Section 7. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect upon publication or its otherwise becoming law.

PASSED AND ADOPTED this the 9th day of August, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA
By: /s/ Gene Robinson, Mayor
By: /s/ John Spain, Council Member
By: /s/ David Dawson, Council Member

ATTEST:
/s/ Alan B. Atkinson, City Clerk

Council Member Spain made a motion for the unanimous consent of the Council Members present for the immediate consideration of Ordinance Number 11-O-20 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Ordinance Number 11-O-20 as introduced and read, Council Member Spain made a motion for the passage and adoption of Ordinance Number 11-O-20 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and Ordinance Number 11-O-20 was passed and adopted.

Mayor Robinson introduced and read Ordinance Number 11-O-21 as follows:

ORDINANCE NO. 11-O- 21

AN ORDINANCE TO ADOPT BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE TO PROVIDE FOR THE SAFE AND SANITARY CONSTRUCTION, USE AND OCCUPANCY OF BUILDINGS IN THE CITY.

WHEREAS the City Council considers the safety and health of its citizens to be of paramount importance, and

WHEREAS providing standards and requirements for the safe and sanitary use and occupancy of buildings and structures in the city is the primary way to promote that condition, and

WHEREAS the adoption of current recognized professional construction, maintenance, and fire protection codes devised by the International Code Council is a crucial element of that effort,

NOW THEREFORE be it ordained by the City Council of Anniston, Alabama as follows:

Section 1. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Anniston, Alabama, being marked and designated as the *International Fire Code*, 2009 edition, including Appendix Chapters in Code section 10 1.2.1, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Anniston, Alabama, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings, and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City Clerk of the City are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1 Insert: City of Anniston

Section 109.3 Replace the text in its entirety with: "Fines and penalties shall be governed by Section 6.1.1 of the Anniston Code of Ordinances."

Section 3. The geographic limits referred to in certain sections of the 2009 *International Fire Code* are hereby established as follows:

Section 3204.3.1.1 Storage of flammable cryogenic fluids in stationary containers is prohibited unless permitted by the Chief Fire Official of the City or his designee.

Section 3404.2.9.5.1 Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited unless permitted by the Chief Fire Official of the City or his designee.

Section 3406.2.4.4 Storage of Class I and Class II liquids in above-ground tanks is prohibited unless permitted by the Chief Fire Official of the City or his designee.

Section 3804.2 Storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas unless permitted by the Chief Fire Official of the City or his designee.

Section 4. Ordinance No. 03-O-06 entitled "An Ordinance to Adopt by Reference the 2003 Edition of the International Fire Code" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. Alan B. Atkinson, the City Clerk of the city is hereby ordered and directed to cause this ordinance to be published one time in a newspaper of general circulation in the City of Anniston, Alabama.

Section 8. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect upon publication or its otherwise becoming law.

PASSED AND ADOPTED this the 9th day of August, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Mayor Robinson made a motion for the unanimous consent of the Council Members present for the immediate consideration of Ordinance Number 11-O-21 as introduced and read. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Ordinance Number 11-O-21 as introduced and read, Mayor Robinson made a motion for the passage and adoption of Ordinance Number 11-O-21 as introduced and read. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and Ordinance Number 11-O-21 was passed and adopted.

Council Member Dawson introduced and read Ordinance Number 11-O-22 as follows:

ORDINANCE NO. 11-O- 22

AN ORDINANCE TO ADOPT BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE TO PROVIDE FOR THE

SAFE AND SANITARY CONSTRUCTION, USE AND OCCUPANCY OF BUILDINGS
IN THE CITY.

WHEREAS the City Council considers the safety and health of its citizens to be of paramount importance, and

WHEREAS providing standards and requirements for the safe and sanitary use and occupancy of buildings and structures in the city is the primary way to promote that condition, and

WHEREAS the adoption of current recognized professional construction, maintenance, and fire protection codes devised by the International Code Council is a crucial element of that effort,

NOW THEREFORE be it ordained by the City Council of Anniston, Alabama as follows:

Section 1. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Anniston, Alabama, being marked and designated as the *International Property Maintenance Code*, 2009 edition, including Appendix A as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Anniston, Alabama, for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk of the City are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1 Insert: the City of Anniston, Alabama

Section 103.5 Replace the text in its entirety with: "*Rental inspection fees are charged as follows: \$50.00 for initial and the first follow-up inspection and \$15.00 per required subsequent inspection thereafter.*"

Section 112.4 Replace the text in its entirety with: "*Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.*"

Section 302.4 Insert: 12 inches

Section 304.14 Insert: March 1 & October 31

Section 602.3 Insert: October 1 & April 31

Section 602.4 Insert: October 1 & April 31

Section 3. Ordinance No. 03-O-06 entitled "An Ordinance to Adopt by Reference the 2003 Edition of the International Property Maintenance Code" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. Alan B. Atkinson, the City Clerk of the city is hereby ordered and directed to cause this ordinance to be published one time in a newspaper of general circulation in the City of Anniston, Alabama.

Section 7. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect upon publication or its otherwise becoming law.

PASSED AND ADOPTED this the 9th day of August, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA
By: /s/ Gene Robinson, Mayor
By: /s/ John Spain, Council Member
By: /s/ David Dawson, Council Member

ATTEST:
/s/ Alan B. Atkinson, City Clerk

Council Member Dawson made a motion for the unanimous consent of the Council Members present for the immediate consideration of Ordinance Number 11-O-22 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Ordinance Number 11-O-22 as introduced and read, Council Member Dawson made a motion for the passage and adoption of Ordinance Number 11-O-22 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and Ordinance Number 11-O-22 was passed and adopted.

Council Member Spain introduced and read Ordinance Number 11-O-23 as follows:

ORDINANCE NO. 11-O- 23

AN ORDINANCE TO ADOPT BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL PLUMBING CODE TO PROVIDE FOR THE SAFE AND SANITARY CONSTRUCTION, USE AND OCCUPANCY OF BUILDINGS IN THE CITY.

WHEREAS the City Council considers the safety and health of its citizens to be of paramount importance, and

WHEREAS providing standards and requirements for the safe and sanitary use and occupancy of buildings and structures in the city is the primary way to promote that condition, and

WHEREAS the adoption of current recognized professional construction, maintenance, and fire protection codes devised by the International Code Council is a crucial element of that effort,

NOW THEREFORE be it ordained by the City Council of Anniston, Alabama as follows:

Section 1. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Anniston, Alabama, being marked and designated as the *International Plumbing Code*, 2009 edition, including Appendix C as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Anniston, Alabama, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, re-location, replacement, addition to, use, or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the City Clerk of the City are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1 Insert: the City of Anniston, Alabama

Section 106.5.3 Replace text in entirety with: *“Expiration of permits shall be governed by Section 31.4 of the Anniston Alabama Zoning Ordinance.”*

Section 106.6.1 Replace text in entirety with: *“Any person who commences work of any kind that requires a permit(s) prior to obtaining the required permit(s) shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exception shall be made where equipment replacements and repairs must be performed in an emergency situation. In cases as such, the permit application shall be submitted within the next business day to the building official.”*

Section 106.6.2 Replace the text in its entirety with: *“A fee for each required plumbing permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.”*

Section 106.6.3 Replace the text in its entirety with: *“The building official is authorized to establish a refund policy.”*

Section 106.6.4 Section created with the following heading and text: *“Plumbing permit valuations. Plumbing permit valuations shall include total value of the work for which a permit is being issued, including materials and labor.”*

Section 106.6.5 Section created with the following heading and text: *“Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with the work authorized by a plumbing permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.”*

Section 108.4 Replace the text in its entirety with: *“Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs plumbing items of work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.”*

Section 108.5 Amend the last sentence to read: *“Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.”*

Section 305.6.1 Insert: 12 inches & 12 inches

Section 904.1 Insert: 8 inches

Section 3. Ordinance No. 03-O-06 entitled “An Ordinance to Adopt by Reference the 2003 Edition of the International Plumbing Code” and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. That nothing in this ordinance or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. Alan B. Atkinson, the City Clerk of the city is hereby ordered and directed to cause this ordinance to be published one time in a newspaper of general circulation in the City of Anniston, Alabama.

Section 7. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect upon publication or its otherwise becoming law.

PASSED AND ADOPTED this the 9th day of August, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Spain made a motion for the unanimous consent of the Council Members present for the immediate consideration of Ordinance Number 11-O-23 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Ordinance Number 11-O-23 as introduced and read, Council Member Spain made a motion for the passage and adoption of Ordinance Number 11-O-23 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and Ordinance Number 11-O-23 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-67 as follows:

(11-R-67, reimbursements for travel expenses)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-67 as introduced and read. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and Resolution Number 11-R-67 was passed and adopted.

Mayor Robinson reintroduced and read Resolution Number 11-R-61 as following:

RESOLUTION NUMBER 11-R-61

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

. WHEREAS, it is in the public interest of the Council of the City of Anniston, Alabama, to assent to the vacation of said part of said street or alley.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama, as follows:

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

The 15' alley running North and South as depicted by Plat Book A, Page 145 for the City of Anniston in Block 147 and bounded on the north by West 13th Street, on the south by West 12th Street, on the east by Lots 18-30, and on the west by Lots 17,31,42, and an annulled 30' alley.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights-of-way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

PASSED AND ADOPTED this the 9th day of August, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA
By: /s/ Gene Robinson, Mayor
By: /s/ John Spain, Council Member
By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-61 as reintroduced and read. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and Resolution Number 11-R-61 was passed and adopted.

Mayor Robinson reintroduced and read Resolution Number 11-R-62 as following:

RESOLUTION NUMBER 11-R-62

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

WHEREAS, it is in the public interest of the Council of the City of Anniston, Alabama, to assent to the vacation of said part of said street or alley.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama, as follows:

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

The 15' alley running North and South as depicted by Plat Book A, Page 145 for the City of Anniston in Block 147 and bounded on the north by West 13th Street, on the south by Aquaduct Street and West 12th Street, on the east by Lots 36,37 and an annulled 30' alley, and on the west by Lots 1-16.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights-of-way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

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PASSED AND ADOPTED this the 9th day of August, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-62 as reintroduced and read. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and Resolution Number 11-R-62 was passed and adopted.

Council Member Spain introduced and read Resolution Number 11-R-68 as follows:

(11-R-68, declaring a reported condition to be a public nuisance; Group 4)

Council Member Spain made a motion for the passage and adoption of Resolution Number 11-R-68 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and Resolution Number 11-R-68 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 11-R-69 as follows:

(11-R-69, declaring a reported condition to be a public nuisance; Group 5)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-69 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and Resolution Number 11-R-69 was passed and adopted.

Mayor Robinson made a motion to table a proposed resolution to authorize the City Manager to execute a memorandum of Agreement with the Anniston Museum Complex Board with regard to the development of the Anniston Civil Rights Museum. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Dawson and Robinson; nays: none; abstentions: Council Member Spain; absent: Council Members Palmore and Little. The motion carried.

Mayor Robinson made a motion to approve the proposal from WDNG News Talk Radio for radio advertising package for positive promotion of Anniston and its interests according to the

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attached proposal. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain and Robinson; nays: Council Member Dawson; absent: Council Members Palmore and Little. The motion carried.

Council Member Spain made a motion to approve the proposal for an Old Time Festival in downtown Anniston on September 30, 2011. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried.

Mayor Robinson made a motion to table a proposed motion to authorize the City Manager to have the Anniston Land Company building located at 13th Street and Moore Avenue removed immediately. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Dawson and Robinson; nays: Council Member Spain; absent: Council Members Palmore and Little. The motion carried.

William Arbuckle, 16 Carolyn Drive, addressed the Council and stated he was interested in buying property at McClellan.

Larry Weems, 1417 Crawford Avenue, addressed the Council and about cutting the grass in the ditch near the Easy Rider club house.

There being no further business to come before the meeting at that time Council Member Dawson made a motion the meeting be adjourned. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; absent: Council Members Palmore and Little. The motion carried and the meeting was adjourned at approximately 6:41 o'clock p.m.