

**CITY OF ANNISTON**  
**October 13, 2020**  
**11:00 A.M.**

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
  - September 23, 2020 Regular meeting
- **ADDITIONS/DELETIONS TO THE AGENDA**
- **ADOPTION OF AGENDA**

**I. CONDUCT PUBLIC HEARING - Suspended during COVID-19**

**Speaking to a Public Hearing Item**

In the interest of time and to ensure the fairness of all persons who appear before the City Council to speak for or against a public hearing item, speakers will be limited to three (3) minutes each to address City Council except as described herein. One speaker for the Petitioner may address the City Council for no more than 10 minutes, unless extended by the Mayor. In an effort help the City Council and the general public to better understand the issues, the Mayor may request that a City staff member address the City Council from the podium. Speakers from the general public may only speak when recognized by the Mayor during the public hearing. Speakers will be asked to come to the podium to address the City Council for three (3) minutes and they shall state their name and resident address for the record. Speakers addressing City Council on a public hearing item should coordinate comments in order to respect City Council's time constraints. Groups should select a spokesperson to present the major points that summarize their position and opinions. Speakers are urged to be brief and non-repetitive with their comments. Comments shall specifically address the public hearing item before the City Council, and the speaker shall maintain appropriate tone and decorum when addressing the City Council. City Council may ask questions of the applicant, speakers, or staff during these proceedings only for the purpose of clarifying information. The speaker shall not direct derogatory comments to any individual, organization, or business. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. Once the public hearing is closed on an item, there will be no further opportunity for formal or informal public input at a City Council meeting.

- (a) To receive comments over-ruling objections to the abatement of identified nuisance Group 2020-05 Grass/Debris/Vehicles

**II. UNFINISHED BUSINESS**

- (a) Motion to pull all City funds from BB&T and move to another financial institution
- (b) Motion to hire an attorney to review the hiring practice and awarding contracts of GSA and other contractors

- (c) Motion to authorize the City Manager to initiate a Request For Proposal for an Architect firm to design and Educational Complex for a new High School, Middle School and Elementary School

**III. MOTIONS**

- (a) Motion to approve a Special Events Retail application for Rack and Roll Billiards, Inc d/b/a Nightmare on Noble Street, Saturday, October 31, 2020 from 6:00 p.m. – Midnight between 9<sup>th</sup> & 10<sup>th</sup> Street on Noble within the corporate city limits.
- (b) Motion to approve the bid for two (2) F250 Crew Cab ¾ ton pickup trucks for Fire Department in the amount of \$\_\_\_\_\_ to \_\_\_\_\_.
- (c) Motion to suspend the rule requiring the City Council to meet on the third Tuesday of October, 2020

**IV. ORDINANCES**

- (a) Ordinance amending Chapter 34, Article III, Section 34.15 “Abatement concerning violations governed by Section 34.3” **2<sup>nd</sup> Reading**
- (b) Ordinance amending Chapter 11½, Article I, Section 11½.5 in its entirety **2<sup>nd</sup> Reading**
- (c) Ordinance amending Section 15.54 of the Code of Ordinances of the City of Anniston, Alabama removing traffic signals **1<sup>st</sup> Reading**
- (d) Ordinance amending Section 15.58 of the Code of Ordinances of the City of Anniston, Alabama removing and installing Stop Intersections Generally **1<sup>st</sup> Reading**
- (e) Ordinance amending Section 15.57 of the Code of Ordinances of the City of Anniston, Alabama adding four-way stop intersections. **1<sup>st</sup> Reading**

**V. RESOLUTIONS**

- (a) Resolution over-ruling objections to the abatement of identified nuisance Group 2020-05 Grass/Debris/Vehicles
- (b) Resolution declaring a reported condition to be a public nuisance Group 2020-06 Grass/Debris/Vehicles
- (c) Resolution certifying the results of the October 6, 2020 Municipal Run-Off Election for the City Council.

**VI. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL**

**VII. RECEIVE INFORMAL PUBLIC COMMENTS – Suspended during COVID-19**

**VIII. RECEIVE FORMAL PUBLIC COMMENT – Suspended during COVID-19**

**COUNCIL COMMENTS – Suspended during COVID-19**

**ADJOURNMENT**

# MINUTES

Anniston, Alabama

September 23, 2020

The City Council of the City of Anniston, Alabama, met in Special Session in the Main Hall at the Anniston City Meeting Center in the City of Anniston, Alabama, on Wednesday, September 23, 2020, at approximately 11:11 o'clock a.m.

Jay Jenkins, Council Member, prayed the Invocation.

Jay Jenkins, Council Member, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Little, Harris, and Draper, absent: Council Member Reddick. A quorum was present and the meeting opened for the transaction of business.

Council Member Jenkins made a motion to adopt the agenda. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Little, Harris and Draper; nays: none. The motion carried and the agenda was adopted.

Julie Borrelli, Finance Director, read for the record the proposed changes to the budget, an increase in revenue by \$1.7 million dollars as a result of the bond refinancing rebates. She stated that the additional changes were proposed on September 1, 2020:

- \$ 200,000.00 for Randolph Park Expansion and Drainage
- \$200,000.00 for paving of West 15<sup>th</sup> Street
- \$250,000.00 for the Satcher Health Institute
- \$30,000.00 for building pad and utilities at 1419 Glenaddie
- \$30,000.00 for building pad and utilities at South Leighton Development
- \$325,000.00 for drainage issues in Golden Springs
- \$75,000.00 for Sidewalk on 10<sup>th</sup> from Lockwood to 10<sup>th</sup> Street
- \$25,000.00 for upgrades for the Municipal Golf Course "The Hill"
- \$50,000.00 for upgrades to Crane Creek Golf Course
- \$40,000.00 for speed calming devices
- \$75,000.00 for Sports Complex Track Resurfacing

She stated that on September 15, 2020 the following changes were proposed:

- \$100,000.00 for Demolition and Grass cutting
- \$50,000.00 for Paving and Repair of Alleyways
- \$50,000.00 for Small Business Assistance
- \$25,000.00 for Assistance in Emergency Home Repair
- \$175,000.00 to extend sidewalks in Golden Springs

She stated that the funds allocated for the Small Business Assistance and The Assistance for Emergency Home Repair will be provided and administered by a third party, for a total of 1.7 million dollars.

Mayor Draper opened a public hearing to receive comments on the Proposed FY 2021 City Manager's Recommended Budget with amendments. No One Spoke. Mayor Draper closed the public hearing to receive comments on the Proposed FY 2021 City Manager's Recommended Budget with amendments.

Council Member Harris made a motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) for Mansour LLC d/b/a Mini Market Plus 4 located at 3130 McClellan Blvd. within the corporate city limits. The motion was seconded by Mayor Draper and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris and Draper; nays: none; abstentions: Council Member Little. The motion carried.

Council Member Reddick entered the Council Chambers at approximately 11:15 o'clock a.m.

Council Member Jenkins made a motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) for Houchens Food Group, Inc., d/b/a Save-a-Lot 203 located at 3208 McClellan Blvd. within the corporate city limits. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Harris and Draper; nays: none; abstentions: Council Member Little. The motion carried.

Mayor Draper introduced and read Resolution 20-R-74, authorizing the Mayor to Execute an agreement with East Alabama Regional Planning and Development Commission for the Anniston Express Fixed Route System and the ADA Para-Transit Services.:

#### RESOLUTION NO. 20-R-74

#### A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH EAST ALABAMA REGIONAL PLANNING AND DEVELOPMENT COMMISSION FOR THE ANNISTON EXPRESS FIXED ROUTE SYSTEM AND THE ADA PARA-TRANSIT SERVICES

WHEREAS, the City Council of the City of Anniston recognizes the need for a public transportation program within the City to respond to the needs of the disabled and handicapped; and

WHEREAS, the Calhoun Area Metropolitan Planning Organization has designated East Alabama Regional Planning and Development Commission as the implementing agency for the Federal Transit Administration Section 5307 urbanized transportation program; and

WHEREAS, the American with Disabilities Act (ADA) Para-Transit Services are provided with wheelchair equipped vans under a demand response system operated by contract with the East Alabama Regional and Development Commission funded under Section 5307; and

WHEREAS, the City Council of the City of Anniston recognizes that the requirement to obtain Section 5307 funds from the Alabama Department of Transportation includes local match of 50% for operating expenses, 20% for preventative maintenance and capital purchases.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Anniston, Alabama, hereby commits the amount of \$325,000 as local, non-federal match for operational, preventative maintenance, and capital expenditures for the Fixed Route and ADA Para-Transit Services for Fiscal Year 2021.

BE IT FURTHER RESOLVED that the Mayor of Anniston, is hereby authorized to execute an agreement with the East Alabama Regional Planning and Development Commission for the provision of the Fixed Route and ADA Para-Transit Services in the City of Anniston and is authorized to execute any certifications or assurance required in conjunction with the program.

PASSED AND ADOPTED on this the 23<sup>rd</sup> day of September, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Benjamin L. Little, Council Member

Millie Harris, Council Member

Council Member Harris made a motion for passage and adoption of Resolution 20-R-74, authorizing the Mayor to execute an agreement with East Alabama Regional Planning and Development Commission for the Anniston Express Fixed Route System and the ADA Para-Transit Services. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution 20-R-74 was passed and adopted.

Mayor Draper introduced and read Resolution 20-R-75, declaring a Reported Condition to be a Public Nuisance- Group 2020-07, with the following addresses: 21 East 11<sup>th</sup> Street, 24 West 10<sup>th</sup> Street, 120 and 0 West 11<sup>th</sup> Street, 1011 Moore Avenue, 1107 Noble Street, and 1331 Noble Street:

**RESOLUTION NUMBER 20-R-75**

**A RESOLUTION DECLARING A REPORTED CONDITION TO BE A PUBLIC NUISANCE**

WHEREAS, Tana Bryant, an Appropriate City Official, pursuant to Section 34.7 and 34.15 of said Ordinance, has reported to the City Council that conditions exist at see attached (Group 2020-07 Dangerous Structures) in Anniston, Alabama that are believed to be a public nuisance; and

WHEREAS, the said City official submitted proof of said condition that was deemed by the City Council to be satisfactory to show that a public nuisance existed at the place specified; and

WHEREAS, Section 34.3 (b) (1), (2), (4) of the City of Anniston Ordinance No. 11-O-9 declares the following conditions to be a public nuisance: overgrown lots, maintenance or storage of motor vehicles that are not in usable condition as defined in Section 34.2 of the Code of Ordinances and debris, motor vehicles and trash; and

RESOLVED THEREFORE, that a public nuisance exists at the above said locations within the City of Anniston, said property being more particularly described on Exhibit "A" to this resolution; and

RESOLVED FURTHER, that the public nuisance must be abated by the City and the cost of abatement charged as a lien against the property if not remedied by the owner(s); and

RESOLVED FURTHER, that a hearing be set before the City Council at its next regular scheduled meeting to hear objections to the City's actions; and

RESOLVED FURTHER, that at least two NOTICES TO REMOVE PUBLIC NUISANCE be promptly posted by the Appropriate City Official in front of the said property at not more than 100 feet in distance apart as specified in Section 34.16 of the Code of Ordinances; and

RESOLVED FURTHER, that the Appropriate City Official shall post said NOTICE TO REMOVE PUBLIC NUISANCE, as aforesaid, at least 5 days prior to the time for hearing objections by the City Council; and

RESOLVED FURTHER, that the Appropriate City Official shall determine the name and address of the person or entity last assessing said property for tax purposes, and shall further cause a search to be made of the public records, and shall further make a diligent investigation to discover the name(s) and contact information of the owners of every beneficial interest in the said property; and

RESOLVED FURTHER, that the Appropriate City Official shall, at least 5 days prior to the time for a hearing of objections by the City Council, mail a copy of said Notice by certified or registered mail, with postage prepaid and return receipt requested, to the last person/entity assessing the property for taxes and to each owner of a beneficial interest in said property including, without limitation, mortgagees of record.

PASSED AND ADOPTED this the 23rd day of September 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Benjamin L. Little, Council Member

Millie Harris, Council Member

Council Member Jenkins made a motion for passage and adoption of Resolution 20-R-75. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution 20-R-75 was passed and adopted.

Mayor Draper read and introduced a Resolution appointing member(s) to the Industrial Development Authority (20-R-76):

#### **RESOLUTION NO. 20-R-76**

#### **A RESOLUTION AMENDING THE SCHEDULE OF NOMINATIONS ASSIGNING AND DESIGNATING THE POSITIONS ON EACH MUNICIPAL BOARD, COMMISSION AND AUTHORITY TO SPECIFIC WARD COUNCILMEMBERS AND TO THE OFFICE OF THE MAYOR AND APPOINTING MEMBERS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF ANNISTON**

WHEREAS, the Council has adopted Ordinance No. 14-O-13, an ordinance amending Division 1, Article XI, Chapter 2 of the Code of Ordinances for the City of Anniston, Alabama Regulating Boards, Commissions and Authorities, in order to, among other things, assign the positions on the City's boards, commissions and authorities to nominations by specific Council Ward Representatives or to the Office of the Mayor so that those who are appointed to serve more fairly and equitably represent the citizenry of the City and to simplify and clarify to Council's nomination and appointment process;

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

Section 1. The City Council of the City of Anniston finds that circumstances warrant the waiver of the requirement set by ordinance that notice of any vacancies or scheduled appointments shall be provided to the public during an open meeting no less than one month prior to the date when any nominations can be made, including, but not limited to, the recent incorporation of the Industrial Development Authority of the City of Anniston, the pressing need to populate said board. The Council does hereby exercise its discretion to waive this requirement with regard to the appointments to the said board, as set forth in this resolution.

Section 2. The City Council of the City of Anniston hereby adopts the Schedule of Nominations for the Industrial Development Authority of the City of Anniston attached hereto as Exhibit A so as to assign the positions on said board to the City's Council Ward Representatives and the Office of the Mayor and to designate any future nominations to those assigned positions to the respective office holders.

Section 3. The City Council of the City of Anniston does hereby appoint those persons identified in the Schedule of Nominations for the Industrial Development Authority attached hereto as Exhibit A to the board and for the terms set forth therein.

Section 4. That the City Clerk shall cause a copy of this Resolution to be mailed to the above named appointees and to said board.

PASSED and ADOPTED this 23rd day of September, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Benjamin L. Little, Council Member

Millie Harris, Council Member

Mayor Draper noted that this is his nominee and Mr. Jason Alderman was present. He stated that he is excited that Jason has agreed to do this. He stated Mr. Alderman is an active member of the community and does a lot of good.

Jason Alderman stated that he is happy to serve and he has lived in Anniston since 1995. He stated that he has served on various city boards and he is glad to serve any way he can.

Council Member Harris thanked Mr. Alderman for his service in the community. She stated that he was filled many different roles and she thanked him for stepping up to the plate again.

Council Member Jenkins thanked Mr. Alderman for his willingness to serve.

Mayor Draper made a motion for passage and adoption of Resolution 20-R-76. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution 20-R-76 was passed and adopted.

Mayor Draper read and introduced a Resolution amending the FY2020 Budget for the General Operating Fund (20-R-77). He stated that the amendments include a new roof to be installed on the Anniston Museum of Natural History.

Council Member Jenkins made a motion for passage and adoption of resolution 20-R-77. The motion was seconded by Council Member Harris.

Council Member Little asked how many times have they talked about replacing this roof. He asked if the City was patching it before and this is the first time. He stated at one particular time it was \$70,000.00 to replace it or a little more.

Steven Folks, City Manager, stated that the \$70,000.00 was for gutters and this amendment is to get things taken care of. He stated that the \$70,000.00 was not used.

Council Member Reddick asked what happened to the money.

Julie Borrelli, Finance Director, stated that part of that \$70,000.00 was rolled forward to go with the \$625,000.00. She stated that it was not used but it is still for the same project. She stated that they have to bid it out but the first estimate was \$525,000.00 but that did not include the architectural fee which is 7.8%.

Council Member Reddick asked who the architect is.

Julie Borrelli, Finance Director stated that they just have a quote nothing is set in stone and the \$625,000.00 is not just for the roof, but the \$40,000.00 for the band uniforms and the money that was left from the museum was rolled into the roof too since that money was not spent for anything.

Council Member Little stated that it has been more than one year since they have talked about this roof and the other problem is the council does not know who they are hiring for the architect.

Council Member Reddick stated that they are passing a resolution to transfer money to do a roof but their also doing this, that, and the other with the money.

Council Member Little stated that sometimes amnesia sets in, if the school amount is in there, and the band uniforms are in there then it should be spelled out. He stated that whatever they are doing, he wants to see it in the resolution.

Council Member Little asked what the actual amount for the budget and was that over what the council projected or under.

Julie Borrelli, Finance Director, stated that the City was bringing in more money than they projected and they spent less money that they projected. She stated that the total amount is kind of reflected in the amendment, the city brought in \$478,000.00 more dollars than they thought in taxes, they did not make \$90,000.00 in services for an increase of \$388,900.00. She stated if you take the \$388,900.00 away, you can see where they overspent or underspent. She stated that this is a balanced budget.

Council Member Little wants to know what the breakdown was in what was spent in West Anniston and South Anniston.

Council Member Jenkins made a motion to amend Resolution 20-R-77 to reflect, band uniforms, COVID-19 money to the schools and the roof repair into this document and any additional income that is left at

the end of the fiscal year would be transferred into the reserve account. The motion was seconded by Council Member Little. And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution 20-R-77 was passed and adopted.

Mayor Draper read and introduced a Resolution Adopting the Budget for Fiscal Year 2021:

**RESOLUTION NO. 20-R-78**

**A RESOLUTION ADOPTING THE BUDGET FOR FISCAL YEAR 2021**

WHEREAS, the Code of Alabama 1975 title 45, Chapter 8A-Article 2 provides for the process, review, and adoption of an annual budget; and

WHEREAS, a public hearing on the proposed FY 2020 Annual Budget with Council amendments was held on September 23, 2020;

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

Section 1. That the budget attached hereto which each Council Member acknowledges having read and reviewed is hereby adopted as the Budget for the City of Anniston, Alabama for the Fiscal Year 2021.

Section 2. That the City Manager and the City Clerk shall certify the same as being the Budget for the City of Anniston and file the same in the office of the Director of Finance.

Section 3. That said Budget so certified shall be reproduced and sufficient copies be made available for use by all offices, departments, boards, and agencies of the City of Anniston and for use of interested persons.

PASSED AND ADOPTED this 23rd day of September 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Benjamin L. Little, Council Member

Millie Harris, Council Member

Council Member Reddick made a motion for passage and adoption of Resolution 20-R-78. The motion was seconded by Council Member Harris.

Council Member Little stated that at the last meeting the council stated to give those people from Beaumont Texas some information, that would reflect the budget but he received an email stating they were not getting cooperation.

Steven Folks, City Manager, stated that they received the information as of the afternoon of September 22, 2020.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution 20-R-78 was passed and adopted.

Council Member Little stated that he wanted to bring up the simulator from the Civil Air Defense and allow to take a class and hopefully inspire them. He stated that pilot training, aircraft mechanic, and cyber security are three major events the city can provide. He stated that it would be great for the community.

There being no further business to come before the council at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Harris and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 11:37 p.m. o'clock

# MOTIONS



## CITY OF ANNISTON

P.O. Box 2168  
ANNISTON, AL 36202

### FINANCE DEPARTMENT FACT SHEET

FROM: Julie Borrelli, Finance Director  
TO: City Council and City Manager  
SUBJECT: Nightmare of Noble  
DATE: 10/31-11/1

- Formal action is required for special events retail
- Event located inside the city limits on Noble Street on the 9<sup>th</sup> and 10<sup>th</sup> Street blocks.
- The Police Department provided a background check which showed no criminal activity.

**ANNISTON CODE  
CHAPTER THREE  
ALCOHOLIC BEVERAGES  
(Beer and Wine/ Non-Profit Tax Exempt/ Special Events)**

**Sec. 3.14. Factors to be considered in council's decisions.**

In rendering a decision on each application, the city council shall consider, among others, the following factors:

- a) Character and reputation of the applicant, each partner, member, officer, member of board of directors and landlord.
- b) The criminal court records of the applicant, each partner, member, officer, member of board of directors and landlord.
- c) Location of premises for which the license is sought.
- d) The compliance by applicant, each partner, member, officer, member of the board of directors and landlord with the laws of the State of Alabama and ordinances of the city.

**Sec. 3.15. Approval or disapproval of application.**

No application for a beer or wine license shall be approved unless the city council is satisfied that the statements in the application are true, that the applicant is a person of good repute, and that the applicant has complied with all terms and provisions of this article.

10/12/2020

**FACT SHEET**

**SUBJECT:** Evaluation of bids for the purchase of up to two (2) F-250 Crew Cab <sup>3</sup>/<sub>4</sub> Ton Pickups for the Fire Department.

**VENDORS SUBMITTING BIDS**

Sunny King Ford	\$33,987.50/each
Buster Miles Chevrolet	No Response
Town & Country	No Response

**RECOMMENDATION:** The bid should be awarded to Sunny King Ford for the amount of \$33,987.50/each.



## City of Anniston

P.O. Box 2168  
Anniston, AL 36202

September 22, 2020

Invitation for Bid  
Number COA2020-B-009  
Bids to be opened at  
9:00 a.m., Central Time,  
October 12, 2020, in the  
City Hall Administration Conference Room

### **INVITATION FOR BID**

To Whom It May Concern:

Sealed bids will be received for the purchase of up to two (2) F-250 Crew Cab ¾ Ton Pickup Trucks for the Fire Department by the City of Anniston, Alabama, at the City Clerk's Office in City Hall until the above time and date. Bids received after the above time and date will be considered non-responsive and will be returned unopened.

Sincerely,



Skyler Bass  
City Clerk

## INSTRUCTIONS TO BIDDERS

1. **BID BONDS:** Each bidder shall submit with his bid, a Bid Bond with good and sufficient surety or sureties acceptable to the City of Anniston, or Bid Bond may be in the form of a Firm Commitment, such as a postal money order, certified check, cashier's check, etc. Bid Guarantees other than Bid Bonds will be returned (a) to unsuccessful bidders as soon as practical after the opening of bids, and (b) to the successful bidder upon execution of such further contractual documents and bonds as may be required by the bid as accepted. **FAILURE TO FURNISH A BID BOND IN THE PROPER FORM AND AMOUNT BY THE TIME SET FOR OPENING OF BIDS WILL CAUSE REJECTION OF THE BID. Bid Guarantee shall be in the amount of five percent (5%) of the bid price or \$100,000.00 whichever is lesser.** The Bid Bond Penalty may be expressed in terms of a percentage of the bid price or may be expressed in dollars and cents.
2. Bidders should carefully examine the specifications and fully inform themselves as to all the conditions and matters which can in any way affect the work or the cost thereof. Should a bidder find discrepancies in or omissions from specifications or other documents or should he be in doubt as to the meaning, he should at once notify the Purchasing Agent and obtain clarification prior to submitting a bid.
3. Bids submitted for vehicles must include all vehicle registration costs.
4. The City of Anniston reserves the right to accept or reject any or all bids or any portion thereof.

1. **BID BONDS:** Each bidder shall submit with his bid, a BID BOND with good and sufficient surety or sureties acceptable to the City of Anniston, or Bid BOND may be in the form of a Firm Commitment, such as a postal money order, certified check, cashier's check, etc. Bid Guarantees other than Bid BONDS will be returned (a) to unsuccessful bidders as soon as practical after the opening of bids, and (b) to the successful bidder upon execution of such further contractual documents and bonds as may be required by the bid as accepted. FAILURE TO FURNISH A BID BOND IN THE PROPER FORM AND AMOUNT BY THE TIME SET FOR OPENING OF BIDS WILL CAUSE REJECTION OF THE BID. Bid Guarantee shall be in the amount of five percent (5%) of the bid price or \$100,000.00 whichever is lesser. The Bid Bond Penalty may be expressed in terms of a percentage of the bid price or may be expressed in dollars and cents.
2. **PERFORMANCE BONDS:** Within ten (10) days after the prescribed forms are presented to the bidder to whom award is made for signature, two (2) bonds shall be executed, with good and sufficient surety or sureties acceptable to the City of Anniston. The penal sum of each bond shall be as follows:
  - A. **Performance Bond:** The penal sum of the Performance Bond shall equal on hundred percent (100%) of the contract.
  - B. **Labor and Materials Bond:** The penal sum of the Labor and Materials Bond shall equal fifty percent (50%) of the contract.

NOTE: Any bonds required will be furnished by the contractor to the City of Anniston prior to commencement of contract.

3. **REQUIRED INSURANCE:** The contractor shall procure and maintain during the entire period of his performance under this contract the following minimum insurance:
  - A. Comprehensive bodily injury and property damage liability:
    - a. Injury to or death of any one person - \$500,000.00
    - b. Each accident or occurrence for bodily injury liability - \$500,000.00
    - c. Each accident or occurrence for property damage liability - \$500,000.00

Workmen's Compensation Insurance -- As prescribed by the Workmen's Compensation Law of the State of Alabama.

- B. Prior to commencement of work hereunder, the Contractor shall name the City of Anniston as additional insured and furnish a certificate of insurance to that effect of the above required insurance. The policies evidencing required insurance shall contain an endorsement to the effect that cancellation or any material change in the policies adversely affecting

**the interests of the City of Anniston in such insurance shall not be effective until ten (10) days after written notice thereof to the Purchasing Department of the City of Anniston.**

- C. The contractor agrees to insert the substance of this clause, including this paragraph C, in all subcontracts hereunder.**
  
- 4. Bidders should carefully examine the specifications and fully inform themselves as to all the conditions and matters which can in any way affect the work or the cost thereof. Should a bidder find discrepancies in or omissions from specifications or other documents or should he be in doubt as to the meaning, he should at once notify the Purchasing Agent and obtain clarification prior to submitting a bid.**
  
- 5. The City of Anniston reserves the right to accept or reject any or all bids or any portion thereof.**
  
- 6. Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid Section 3, Segregated Facility, Section 109 and E.O. 11246 and also to the Fair Labor Standards Act (FLSA) and the Copeland Act (Anti-Kickback Act).**

## GENERAL PROVISIONS

1. Award will be based on the low responsive bid.
2. Notwithstanding any other provisions set form in this solicitation, factors in evaluation of offers, received in response hereto shall be evaluated in accordance with the following "Standards for Evaluation of Offers".

### Standards for Evaluation of Offers:

Factors of evaluation pertinent to this requirement are those which are set forth below. However, while certain factors are more applicable to this requirement, than others, the City of Anniston reserves the right of such flexibility in evaluation as is necessary to assure placement of the contract in the best interest of the City of Anniston.

#### A. Price Evaluation Factors:

1. Quoted unit and/or Aggregate Prices as Applicable: When necessary, evaluation will cover a complete analysis of costs incident to this procurement.

#### B. Non-Price Evaluation Factors: (Administrative factors to be considered in making award under this solicitation)

1. Record in performing other contracts.
2. Available capacity for performing the proposed award and the delivery schedule.
3. Delivery: Delivery shall be F.O.B. destination (Anniston, Alabama).
4. Inspections and Acceptance: Shall be accomplished by the City of Anniston Purchasing Agent at the F.O.B. destination point.
5. Workmanship: The materials used in fabrication of the equipment shall be new, suitable for the purpose used and free of all defects which may affect the serviceability of the finished product. Workmanship shall be in accordance with the best commercial practice.
6. Warranty: The equipment shall be guaranteed against any and all defects in materials, workmanship and/or design, which are not detected prior to acceptance which may develop within one (1) year after delivery of the equipment to the City of Anniston. Such defective units shall be replaced or corrected by the contractor at no cost to the City with all transportation charges prepaid.

**General Provisions**  
**PAGE 2**

7. No errors will be corrected after bids are opened. No prices shall include state or Federal excise taxes. (the City of Anniston is a tax-exempt organization)
8. The City of Anniston reserves the right to accept or reject all bids or any portion thereof.
9. Bids shall be submitted in sealed envelopes and marked with Invitation For Bid Number and Bid Opening Date.
10. Bidder shall have all necessary licenses and /or permits prior to commencing the job.
11. Bidder's City of Anniston License Number is \_\_\_\_\_.

**BID SCHEDULE**

The City of Anniston will accept bids for the purchase for up to two F250 Crew Cab ¾ Ton Pickups or a compatible model to meet the attached specifications. The attached specifications are being provided to potential bidders as guidelines which describe the type and quality of the product the City of Anniston is seeking to purchase. The name of a certain brand, make, manufacturer, or definite specification is to denote to quality, standard, general style, type or character of the item desired but does not restrict the bidder to the specified brand, make, and manufacturer or specification names. The bidder must indicate non-compliance and list exceptions to each specification item for consideration. Failure to comply with this provision could be cause for rejection of the bid. Minor exceptions from the specifications may be considered if they do not alter the performance for the intended purpose. It will be assumed that all bids are based upon the specifications unless the bidder stipulates to the contrary.

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Total Price</u>
	F250 Crew Cab ¾ Ton Pickup 2020 or newer model New and unused To meet the following Specifications:	up to 2	\$ _____	\$ _____

**SPECIFICATIONS**

Two red in color, 2020 F250 Crew cab ¾ Ton Pickup, Plus Option Adds; 4x4 Option, LT275/70R18E All Terrain Tires, 3.73 Electric Locking Rear Axle, Power Equipment Group, STX Package, FX4 Off-road Package, 6" Step Bars, Rear Defrost, 110v400w Power Outlet, LED Box Lights, Upfitter Switches, Dual Batteries, Privacy Glass, Pre-Collision Assist with AEB. Available for immediate delivery.

**BIDDING ON:**

**MFG:** \_\_\_\_\_

**MODEL:** \_\_\_\_\_

**BRAND:** \_\_\_\_\_

**DELIVERY:** \_\_\_\_\_ **CALENDAR DAYS FROM DATE OF ORDER**

**NOTE:** It is the intent of this Invitation for Bid to award a firm, fixed price contract with no provisions for price escalation.

**NOTE:** The City of Anniston reserves the right to accept or reject all bids or any portion thereof.

**NOTE:** Bids shall be submitted in sealed envelopes and marked with the Invitation for Bid number and bid opening time and date.

**NOTE:** Bid price must include all vehicle registration fees.

**NOTE:** Delivery shall be F.O.B. destination, Anniston, Alabama.

**NOTE:** Available for Immediate Delivery

The undersigned offers and agrees, if this offer is accepted within thirty (30) calendar days from the date for receipt of offers specified on page 1 of This Invitation For Bid, to furnish any or all items upon which price set opposite each item at the designated point(s) within the time specified.

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Company

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

Discount for Prompt Payment

\_\_\_\_\_ % 10 calendar days; \_\_\_\_\_ % 20 calendar days  
\_\_\_\_\_ % 30 calendar days; \_\_\_\_\_ % \_\_\_\_\_ calendar days

Corporate Certificate

Bids executed on behalf of contractors by agents must be accompanied by evidence satisfactory to the City Of Anniston, of the agent's authority to do so.

In the event a bid is submitted by a corporation, the following certificate must be executed under its Corporate Seal, provided the same officer SHALL NOT execute both the contract and the certificate.

I, \_\_\_\_\_, certify that I am the  
\_\_\_\_\_ of the corporation named as  
Contractor herein; that \_\_\_\_\_ who signed this  
contract on behalf of the Contractor, was then \_\_\_\_\_  
of said corporation; that said Contract was duly signed for and in behalf of said  
corporation by authority of its Governing body and is within the scope of its corporate  
powers.

In witness whereof, I have here unto affixed my hand and seal of said Corporation  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Signature, in ink

\*\*\*\*\*

If the Bid Submitted On Behalf Of a Partnership, the name of all partners will be furnished, with the understanding that the partner signing the bid is authorized to bind the partnership.

The names of all partners in the firm are as follows:

\_\_\_\_\_

## TERMINATION FOR DEFAULT – DAMAGES FOR DELAY – TIME EXTENSIONS

(a). If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified In this contract, or any extension thereof, or fails to complete said work within such Time, the City of Anniston, may, by written notice to the contractor, terminate his Right to proceed with the work or such part of the work as to which there has been Delay.

In such event, the City Of Anniston may take over the work and prosecute the same To completion, by contract or otherwise, and may take possession of and utilize in Completing the work such materials ,appliances, and plant as maybe on the site of work and necessary therefore. Whether or not the Contractor's right to proceed with The work is terminated, he and his sureties shall be liable for any damage to the City Of Anniston resulting from his refusal or failure to complete the work within the Specified time.

(b.) If the fixed and agreed liquidated damages are provided in the contract and if the City of Anniston so terminates the Contractor's right to proceed, the resulting damage will consist of such liquidate damages until such reasonable time as May be required for final completion of the work together with any increased Costs occasioned the City Of Anniston in completing the work.

(c) if fixed and agreed liquidated damages are provided in the contract and if the City of Anniston does not so terminate the Contractor's right to proceed, the Resulting damage will consist of such liquidated damages until the work is completed or accepted.

( d) The Contractor's right to proceed shall not be so terminated nor the Contractor charged with the resulting damages if:

( 1) The delay in the completion of the work arises from unforeseeable causes Beyond the control and without the fault or negligence of the Contractor, Including but not restricted to, acts of God, acts of the public enemy, acts of The City Of Anniston in either its sovereign or contractual capacity, acts of Another contractor in the performance of a contract with City Of Anniston, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault of or negligence of both the Contractor and such subcontractors or suppliers; and

(2) The Contractor, within 10 days from the beginning of any such delay (unless the Purchasing Agent grants a further period of time before the date of final Payment under the contract), notifies the Purchasing Agent in writing of the causes of delay. The Purchasing Agent shall ascertain the facts and the extent of the delay and extend the time for completing the work when, in his judgment the findings of fact justify such an extension and his findings of fact shall be final and conclusive.

(e) The rights and remedies of the City of Anniston provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

#### CLAIMS OF LIABILITY

The Contractor agrees to save the City Of Anniston harmless from any and all claims, demands, actions, debts, liabilities, judgment costs, and attorney's fees arising out of; claimed on account of or in any manner predicated upon loss of or damage to property of or injuries to or the death of any and all persons whatsoever, if in any manner caused or contributed to by the Contractor, his agents, servants, or employees, while in, upon, or about the City Of Anniston which the work upon this contract is to be done, or while going to or departing from the same, and to save the City Of Anniston harmless from and on the account of damages of any kind which the City Of Anniston may suffer as the result of the acts of any of the Contractors, agents, servants, or employees in or about said City Of Anniston.

# ORDINANCES

**ORDINANCE NO. 20-O-\_\_**

**AMENDING CHAPTER 34, ARTICLE III GOVERNING  
THE ABATEMENT OF CERTAIN NUISANCE CONDITIONS**

WHEREAS, the local laws of the Alabama Legislature enacted for Calhoun County, Alabama authorizes the City of Anniston to utilize the procedures in Ala. Code § 45-8-172, *et seq.* for the abatement of the nuisance conditions delineated in Section 34.3 of the Code of the City of Anniston, including overgrown weeds and the accumulation of trash, junk and debris;

WHEREAS, the City is burdened with an extraordinary number of nuisance properties of this type that require prompt and efficient abatement procedures;

WHEREAS, the Council desires to adopt the shortened notice period permitted by local law before the Council may hold a public hearing to consider objections and order abatement of the nuisance condition;

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

Section 1. The Council hereby amends and restates Chapter 34, Article III, Section 34.15 of "The Code of The City of Anniston, Alabama, 1981" to state in its entirety as follows:

**Sec. 34.15. - Abatement concerning violations governed by section 34.3.**

(a) Whenever an appropriate city official having that responsibility reports in writing to the city council the existence of any condition enumerated in Section 34.3 of this chapter, the city council may, by resolution, if the proof is satisfactory, declare the condition to be a public nuisance. The resolution shall refer to the street or road by the name under which it is commonly known, and describe the property in front of which or upon which the nuisance exists by giving a legal description thereof. No other description of the property shall be required. Any number of streets, roads, sidewalks, or parcels of private property may be included in the same resolution.

(b) The appropriate city official shall not report to the city council nuisance conditions in violation of Section 34.3(b)(1) existing on vacant properties without a standing structure unless the condition presents a nuisance to one or more adjoining, occupied properties.

Section 2. The Council hereby amends and restates Chapter 34, Article III, Section 34.16 of "The Code of The City of Anniston, Alabama, 1981" to state in its entirety as follows:

**Sec. 34.16. – Posting of notice for abatement of nuisances under Sec. 34.3.**

(a) After the passage of the resolution, the city council shall have conspicuously posted in front of the property on which or in front of which the nuisance exists at not more than one hundred (100) feet in distance apart at least two (2) notices headed "Notice to Remove Public Nuisance." The heading to be in words not less than one (1) inch in height and substantially in the following form:

NOTICE TO REMOVE PUBLIC NUISANCE

Notice is hereby given that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Anniston City Council passed a resolution declaring that a public nuisance exists upon or in front of the property on \_\_\_\_\_(street) (road) in the City, more particularly described in the resolution (a copy of which is attached hereto). The public nuisance must be abated by its removal by the City, and the cost of the removal shall be assessed upon the lots and lands from which or in front of which the public nuisance is removed. The cost shall constitute a lien upon the lots or lands until paid. Reference is hereby made to the resolution for further particulars.

All property owners having any objections to the proposed removal of the public nuisance are notified to attend a meeting of the Anniston City Council to be held on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ O'clock \_\_\_\_\_.M. in the Council Chambers of the City Council when objections will be heard and given due consideration.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

CITY OF ANNISTON

BY:

\_\_\_\_\_  
CITY OFFICIAL

(b) The notice shall be posted at least five (5) days prior to the time for hearing objections by the city council. In addition, a notice shall be mailed to the owner of the property at least five (5) days before the meeting at which objections will be heard. The notice shall be mailed to the person last assessed for property taxes due on the property according to the records of the county tax assessor, and to the holder of each beneficial interest (including mortgagees of record) as determined by the record examination and the investigation required by section 34-14 of this chapter. Notices shall be mailed certified or registered, postage prepaid, and with return receipt requested.

Section 3. 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. The City Clerk is ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay W. Jenkins, Council Member

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David E. Reddick, Council Member

---

Ben Little, Council Member

---

Millie Harris, Council Member

ATTESTED:

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Skylar Bass, City Clerk

**ORDINANCE NO. 20-O-\_\_**

**AMENDING CHAPTER 11½ GOVERNING  
FLOOD DAMAGE PREVENTION**

NOW THEREFORE, BE IT ORDAINED by the Council for the City of Anniston, Alabama (the “City Council”) as follows:

**Section 1.** The City Council hereby amends and restates Chapter 11½, Article I, Section 11½.5 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.5. Definitions.**

For purposes of this chapter, the following words and terms shall have the meaning ascribed below. 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.

(1) **A Zone** means the Area of Special Flood Hazard without base flood elevations determined.

(2) **Accessory Structure (also referred to as appurtenant structures)** means a structure which is located on the same parcel of property as a principal structure to be insured and the use of which is incidental to the use of the principal structure. They should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. These structures are used solely for parking (two-car detached garages or smaller) or limited storage (small, low cost storage sheds). They are included under the general definition of structure and are consequently subject to all floodplain management regulations pertaining to structures.

(3) **Addition (to an existing building)** means any improvement that increases the square footage of a structure. These include lateral additions added to the front, side, or rear of a structure, vertical additions added on top of a structure, and enclosures added underneath a structure. NFIP regulations for new construction apply to any addition that is considered a perimeter expansion or enclosure beneath a structure. If it is considered to be a substantial improvement (more than 50% of market value) to a structure, the existing structure will also need to be treated as new construction.

Depending on the flood zone and details of the project, the existing building may not have to be elevated. The determining factors are the common wall and what improvements are made to the existing structure. If the common wall is demolished as part of the project, then the

entire structure must be elevated. If only a doorway is knocked through it and only minimal finishing is done, then only the addition has to be elevated.

(4) **AE Zone** means the Area of Special Flood Hazard with base flood elevations determined.

(5) **AH Zone** means an area of one percent chance of shallow flooding where depths are between one to three feet (usually shallow ponding), with base flood elevations shown.

(6) **AO Zone** means an area of one percent chance of shallow flooding where depths are between one to three feet (usually sheet flow on sloping terrain), with depth numbers shown.

(7) **Appeal** means a request for a review of the Public Works Director's interpretation of any provision of this ordinance.

(8) **AR/AE, AR/AH, AR/AO, and AR/A Zones** means a flood zone that results from the decertification of a previously accredited flood protection system or levee that is in the process of being restored to provide a one percent chance or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

(9) **A99 Zone** means that part of the special flood hazard area inundated by the one percent annual chance flood to be protected from the one percent chance flood by a Federal flood protection system or levee under construction, no base flood elevations are determined.

(10) **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.

(11) **Area of special flood hazard** (also see "Special flood hazard area") means 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 Section 11½.7 of this chapter.

(12) **Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "one percent chance flood").

(13) **Base flood elevation** means the computed elevation to which floodwater is anticipated to rise during the base flood. It is also the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. Base Flood Elevations are shown in the FIS and on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE.

(14) **Basement** means any portion of a building having its floor sub grade (below ground level) on all sides.

(15) **Building** (also see **Structure**) means (1) A structure with 2 or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; or (2) a manufactured home (a “manufactured home,” also known as a mobile home, is a structure built on a permanent chassis, transported to its site in 1 or more sections, and affixed to a permanent foundation); or (3) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws.

(16) **Community** means a political entity and/or its authorized agents or representatives that have the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

(17) **Community Rating System (CRS)** means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

(18) **Critical facility** (aka, critical action) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use or store hazardous materials or hazardous waste (as defined under the Clean Water Act and other Federal statutes and regulations).

(19) **D Zone** means an area in which the flood hazard is undetermined.

(20) **Dam** means any artificial barrier, including appurtenant works, constructed to impound or divert water, waste water, liquid borne materials, or solids that may flow if saturated. All structures necessary to maintain the water level in an impoundment or to divert a stream from its course will be considered a dam.

(21) **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, or storage of equipment or materials.

(22) **Dry Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damages to real estate or improved real estate property, water, and sanitary facilities, structures, and their contents. Structures shall be floodproofed with a minimum of 12 inches above the base flood elevation (more is recommended). Dry floodproofing of a pre-FIRM residential structure that has not been substantially damaged or improved is allowed. Dry floodproofing of a post-FIRM residential building is not allowed. Non-residential structures may be dry floodproofed in all flood zones with the exception of the Coastal High Hazard Area or the Coastal AE Zone.

(23) **Elevated building** means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, pilings, posts, columns, piers, or shear walls.

(24) **Elevation Certificate** means a FEMA form used as a certified statement that verifies a building's elevation information.

(25) **Encroachment** means the advance or infringement of uses, plant growth, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

(26) **Existing Construction** means any structure for which the "start of construction" commenced before September 15, 1983. Existing construction may also be referred to as existing structures.

(27) **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 September 15, 1983.

(28) **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.

(29) **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.
- (c) Mudslides which are proximately caused by flooding as described in part "b." of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (d) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually highwater level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in part "a." of this definition.

(30) **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.

(31) **Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Federal Emergency Management Agency has delineated the areas of special flood hazard and/or risk premium zones applicable to the community.

(32) **Flood Insurance Study / Flood Elevation Study** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

(33) **Floodplain** means any land area susceptible to being inundated by water from any source.

(34) **Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

(35) **Floodplain management regulations** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

(36) **Floodproofing** means any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities or structures with their contents.

(37) **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.

(38) **Floodway fringe** means that area of the special flood hazard area on either side of the regulatory floodway.

(39) **Flood Protection Elevation** means the base flood elevation plus the community freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations or base flood elevations determined and/or approved by the floodplain administrator plus freeboard.

(40) **Freeboard** means a factor of safety usually expressed in feet above the Base Flood Elevation (BFE) for purposes of floodplain management which tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. Used to determine the level for a building's lowest floor elevation or level of floodproofing required to be in compliance with the community's floodplain management regulations.

(41) **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. The term includes only docking facilities, port facility that are necessary for the loading and unloading of cargo or passengers, and shipbuilding, and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

(42) **Hardship** (as related to variances of this ordinance) means the exceptional difficulty that would result from a failure to grant the requested variance. The Anniston City Council requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

(43) **Highest adjacent grade** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(44) **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:
  - i. By an approved state program as determined by the Secretary of the Interior, or
  - ii. Directly by the Secretary of the Interior in states without approved programs.

(45) **Letter of Map Change (LOMC)** is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

- (a) **Letter of Map Amendment (LOMA)**. An amendment based on technical data showing that a property was incorrectly included in a designated SFHA, was not elevated by fill (only by a natural grade elevation), and will not be inundated by

the one percent chance flood. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

- (b) **Letter of Map Revision (LOMR)**. A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the BFE and is, therefore, excluded from the SFHA.
- (c) **Conditional Letter of Map Revision (CLOMR)**. A formal review and comment by FEMA as to whether a proposed project complies with the minimum NFIP floodplain management criteria. A CLOMR does not revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

(46) **Lowest adjacent grade** means the point of the ground level immediately next to a building. This may be the sidewalk, patio, deck support, or basement entryway immediately next to the structure after the completion of construction. It does not include earth that is placed for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a building's foundation system.

(47) **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 ordinance.

(48) **Manufactured home** means a building, transportable in one or more section, 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.

(49) **Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(50) **Market value** means the property value (as agreed between a willing buyer and seller), excluding the value of land as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of building (Actual Cash Value); or adjusted assessed values.

(51) **Mean Sea Level** means the average height of the sea for all stages of the tide. It is used as a reference for the base flood elevations shown on a community's Flood Insurance Rate Map (FIRM). For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum.

(52) **National Flood Insurance Program (NFIP)** means the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

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

(54) **New construction** means ANY structure (see definition) for which the "start of construction" commenced after September 15, 1983 and includes any subsequent improvements (including additions) to such structures.

(55) **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 September 15, 1983.

(56) **Non-Residential** means, but is not limited to; small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels and motels with normal room rentals for less than 6 months duration.

(57) **North American Vertical Datum (NAVD) of 1988** means a vertical control, corrected in 1988, used as a reference for establishing varying elevations within the floodplain.

(58) **Obstruction** means, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channel construction, bridge, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

(59) **One Percent Flood** (aka 100-Year Flood) is the flood that has a one percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A or V is subject to inundation by the one percent chance flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood within the SFHA.

(60) **Participating Community** is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

(61) **Post-FIRM Construction** means new construction and substantial improvements for which start of construction occurred after December 31, 1974, or on or after the effective date of the initial FIRM of the community, whichever is later.

(62) **Pre-FIRM Construction** means new construction and substantial improvements for which start of construction occurred on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

(63) **Probation** means an action taken by FEMA to formally notify participating communities of the first of the two NFIP sanctions due to their failure to correct violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

(64) **Public safety and nuisance** means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

(65) **Recreational vehicle** means a vehicle which is:

- (a) Licensed and titled as a recreational vehicle or park model;
- (b) Built on a single chassis;
- (c) 400 square feet or less when measured at the largest horizontal projection;
- (d) Has no attached deck, porch, or shed;
- (e) Has quick-disconnect sewage, water, and electrical connectors;
- (f) Designed to be self-propelled or permanently towable by a light duty truck; and
- (g) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(66) **Regular Program** means the second phase of the community's participation in the NFIP in which second layer coverage is available based upon risk premium rates only after FEMA has completed a flood risk study for the community.

(67) **Regulatory floodway** see **Floodway**.

(68) **Remedy a violation** means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

(69) **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.

(70) **Repetitive Loss Property** means any insurable structure for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten (10) days apart but, within ten years of each other. A repetitive loss property may or may not be currently insured by the NFIP.

(71) **Section 1316** means no new flood insurance policy or federal disaster assistance shall be provided for any property which the Administrator finds has been declared by a duly constituted State or local zoning authority or other authorized public body, to be in violation of State or local laws, regulations or ordinances which are intended to discourage or otherwise restrict land development or occupancy in floodprone areas. If the structure is made compliant with the applicable community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance and disaster assistance eligibility restored.

(72) **Severe Repetitive Loss Structure** means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership:

- (a) Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or
- (b) Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

(73) **Special flood hazard area (SFHA)** means that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zones A, AE, AH, AO, AR, AR/AE, AR/AO, AR/AH, AR/A, A99, or VE.

(74) **Start of construction** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) means the date the development or building permit was issued (includes substantial improvement), 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 (including a manufactured home) on a site, 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.

(75) **Structure** means a walled and roofed building, including a liquid or gas storage tank, that is principally above ground, as well as a manufactured home.

(76) **Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it 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.

(77) **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.

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:

- (a) 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 (provided that said code deficiencies were not caused by neglect or lack of maintenance on the part of the current or previous owners) or;
- (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

(78) **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.

(79) **Suspension** means the removal, with or without probation, of a participating community from the NFIP because the community failed to adopt and enforce the compliant floodplain management regulations required for participation in the NFIP.

(80) **Variance** means a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

(81) **Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Code of Federal Regulations (CFR) §44, Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) and corresponding parts of this chapter is presumed to be in violation until such time as that documentation is provided.

(82) **Watercourse** means any flowing body of water including a river, creek, stream, or a branch.

(83) **Water surface elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(84) **Wet floodproofing** means a method of construction which allows water to enter a structure in such a way that will minimize damage to the structure and its contents. Wet floodproofing is appropriate for functionally dependent use and uses that facilitate open space use by variance only, structures utilized for parking or limited storage, or when all other techniques are not technically feasible. Wet floodproofing shall not be utilized as a method to satisfy the requirements of this ordinance for bringing substantially damaged or improved structures into compliance. Wet floodproofing is not allowed in lieu of complying with the lowest floor elevation requirements for new residential buildings.

(85) **X Zones (shaded)** are areas of 0.2 percent chance flood that are outside of the SFHA subject to the one percent chance flood with average depths of less than one foot, or with contributing drainage area less than one square mile, and areas protected by certified levees from the base flood.

(86) **X Zones (unshaded)** are areas determined to be outside the 0.2 percent chance floodplain.

(87) **Zone** means a geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**Section 2.** The City Council hereby amends and restates Chapter 11½, Article I, Section 11½.7 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.7. Basis for area of special flood hazard.**

(1) The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), date March 16, 2016, with accompanying maps and other supporting data and any revision thereto are adopted by reference and declared a part of this chapter. For those land areas hereafter acquired by the City of Anniston through annexation, the current effective FIS and data for Calhoun 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.

(2) When Preliminary Flood Insurance Studies and Flood Insurance Rate Maps have been provided by FEMA to the community:

- (a) Prior to the issuance of a Letter of Final Determination (LFD) by FEMA, the use of the preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA. Such preliminary data may be subject to revision through valid appeals.
  - (b) Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purposes of administrating these regulations.
- (3) Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail. Preliminary FIS data may be subject to change by a valid appeal.

**Section 3.** The City Council hereby amends and restates Chapter 11½, Article I, Section 11½.8 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.8. Establishment of floodplain development permit.**

A development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in identified areas of special flood hazard and community flood hazard areas within the community.

**Section 4.** The City Council hereby amends and restates Chapter 11½, Article I, Section 11½.13 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.13. Penalties for violation.**

(1) Notice of Violation. If the community determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

- (a) The name and address of the owner or the applicant or the responsible person;
- (b) The address or other description of the site upon which the violation is occurring;
- (c) A statement specifying the nature of the violation;

- (d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;
- (e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;
- (f) A statement that the determination of violation may be appealed to the community by filing a written notice of appeal within ten (10) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).

(2) Additional Enforcement Actions. If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Anniston shall first notify the applicant or other responsible person in writing of its intended action. The City of Anniston shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Anniston may take or impose any one or more of the following enforcement actions or penalties:

- (a) Stop Work Order: The community may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect -until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (b) Termination of water service and/or withhold or revoke Certificate of Occupancy: The community may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein.
- (c) Suspension, revocation, or modifications of permit: The community may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (d) Civil penalties: 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 \$500 or imprisoned for not more than 30 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 City of Anniston from taking such other lawful actions as is necessary to prevent or remedy any violation.

(e) Section 1316 Declaration: Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure is noncompliant. Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied. The declaration must be in writing (letter or citation), from the community to the property owner and the applicable FEMA Regional Office, and must contain the following items:

- i. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;
- ii. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;
- iii. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
- iv. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
- v. A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.

If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance eligibility restored.

(3) Administrative appeal; judicial review. Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture.

The Notice of Appeal must be in writing and must be received within ten (10) days from the date of the Notice of Violation. A hearing on the appeal shall take place within thirty days from the date of receipt of the Notice of Appeal by the Floodplain Administrator.

(4) All appeals shall be heard and decided by the community's designated Appeal Board, which shall be the City Council, or their designees. The Appeal Board shall have the power

to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. The decision of the Appeal Board shall be final.

(5) A judicial review can be requested by any person aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. They shall have the right to appeal de novo to the appropriate court.

**Section 5.** The City Council hereby amends and restates Chapter 11½, Article II, Section 11½.22 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.22. Permit Procedures.**

(1) Application for a Special Flood Hazard Area Permit shall be made to the public works director, as Floodplain 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, fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following procedures and information are required for all projects in the Special Flood Hazard Areas within the jurisdiction of the City of Anniston:

- (a) Application Stage. Plot plans are to include:
- i. The Base Flood Elevation (BFE) where provided as set forth in Section 11½.7, Section 11½.36, or Section 11½.24(4);
  - ii. Boundary of the Special Flood Hazard Area and floodway(s) as delineated on the FIRM or other flood map as determined in Section 11½.7;
  - iii. Flood zone designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 11½.7;
  - iv. Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
  - v. Elevation in relation to mean sea level to which any non-residential structure will be flood proofed;
  - vi. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Sections 11½.32(2) and 11½.34(2).
  - vii. A Foundation Plan, drawn to scale, that shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include, but are not limited to, the proposed method of elevation (i.e.,

- fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls) and description of any flood openings required in accordance with Sections 11½.32(1), 11½.32(3), 11½.33(7), and 11½.34(1) when solid foundation perimeter walls are used.
- viii. Usage details of any enclosed areas below the lowest floor shall be described.
  - ix. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
  - x. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development including current and proposed locations of the watercourse. An engineering report shall be provided on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream. The affected properties shall be depicted on a map or on the plot plan.
  - xi. Certification of the plot plan by a licensed professional engineer or surveyor in the State of Alabama is required.
- (b) Construction Stage. For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the regulatory floor elevation or flood-proofing level **using appropriate FEMA elevation or floodproofing certificate** immediately after the lowest floor or flood proofing is completed.
- i. 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.
  - ii. **Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.**
  - iii. The Floodplain 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.
  - iv. The Floodplain Administrator shall make **periodic inspections** of projects during construction throughout the Special Flood Hazard Areas within the jurisdiction of the community to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. Members of his or her inspections/engineering department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
  - v. The Floodplain Administrator may **revoke and require the return of the floodplain development permit** by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and

specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

- vi. In any lot or lots/areas that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill level must meet the community's freeboard elevation at that location. If the top of fill level is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvement must meet the required community freeboard elevation.
- (c) Finished Construction. Upon completion of construction, a FEMA elevation certificate (FEMA Form 81-31), which depicts all finished construction elevations, is required to be submitted to the Floodplain Administrator prior to issuance of a Certificate of Occupancy.
- i. If the project includes a floodproofing measure, a FEMA floodproofing certificate is required to be submitted by the permit holder to the Floodplain Administrator.
  - ii. The Floodplain Administrator shall review the certificate(s) data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance.
  - iii. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
  - iv. Documentation regarding completion and compliance with the requirements stated in the permit application and with Section 11½.22(1)(a) of this chapter shall be provided to the local Floodplain Administrator at the completion of construction or records shall be maintained throughout the Construction Stage by inspectors for the Floodplain Administrator. Failure to provide the required documentation shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
  - v. All records that pertain to the administration of this ordinance shall be maintained and made available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

**Section 6.** The City Council hereby amends and restates Chapter 11½, Article II, Section 11½.23 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.23. Duties and responsibilities of the administrator.**

Duties of the Floodplain 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; and assure that development sites are reasonably safe from flooding.

(2) Review copies of all necessary permits 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. Maintain such permits permanently with floodplain development permit file.

(3) When Base Flood Elevation data or floodway data have not been provided in accordance with Section 11½.7 of this chapter, then the Floodplain 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 III of this chapter.

(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 Section 11½.22 of this chapter.

(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 Sections 11½.32(2) and 11½.34(2).

(6) When flood proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Sections 11½.22(1)(a)(iii) and 11½.32(2) or 11½.34(2) of this chapter.

(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/NFIP State Coordinator's Office.

(8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to 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 Floodplain 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 Floodplain Administrator and shall be open for public inspection.

(11) In addition, the Floodplain Administrator and his or her designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The Administrator is further

authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

(a) Right of Entry

- i. Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Administrator by this ordinance.
- ii. If such building or premises are occupied, the Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such building or premises.
- iii. If entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.
- iv. When the Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Administrator for the purpose of inspection and examination pursuant to this ordinance.

(b) Stop Work Orders

- i. Upon notice from the Administrator, work on any building, structure or premises that is being performed contrary to the provisions of this ordinance shall immediately cease.
- ii. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(c) Revocation of Permits

- i. The Administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- ii. The Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

**Section 7.** The City Council hereby amends and restates Chapter 11½, Article III, Section 11½.24 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.24. Variance procedures.**

(1) Designation of variance and appeals board. The Technical Codes Board of Appeals, as established by the City Council of the City of Anniston, shall hear and decide requests for appeals or variance from the requirements of this chapter.

(2) Duties of board. The Technical Codes Board of Appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this chapter. Any person aggrieved by the decision of the Technical Codes Board of Appeals may appeal such decision to the appropriate court, as provided by state statute.

(3) Variance procedures. In reviewing requests for variance, the Technical Codes Board of Appeals shall consider all technical evaluations, relevant factors, and standards specified in other sections of this ordinance, and:

- (a) 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, the development is protected by methods that minimize flood damage during the base flood, and it creates no additional threats to public safety.
- (b) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (c) The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners.
- (d) Variances should never be granted for multiple lots, phases of subdivisions, or entire subdivisions.
- (e) The danger of life and property due to flooding or erosion damage including materials that may be swept onto other lands to the injury of others.
- (f) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the community.
- (g) The safety of access to the property during flood conditions for daily traffic and emergency vehicles.
- (h) The importance of the services provided by the proposed facility to the community.
- (i) The necessity of the facility to be at a waterfront location, where applicable.
- (j) The compatibility of the proposed use with existing and anticipated development based on the community’s comprehensive plan for that area.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

- (l) The costs associated with providing governmental services to the development during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and community infrastructure such as streets, bridges, and culverts.

Upon consideration of factors listed above, and the purpose of this ordinance, the Technical Codes Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(4) Variances for historic structures. 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 a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.

(5) Conditions for variances. The provisions of this chapter 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.

- (a) A variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of Subsections (5)(c), (5)(d), (6)(a), and (6)(b) of this Section.
  - (b) In the instance of a Historic Structure, a determination is required that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
  - (c) 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.
  - (d) A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (e) Variances shall not be issued "after the fact."
- (6) Variance Notification and Records.
- (a) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that specifies the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the issuance of such a variance could:
    - i. result in rate increases in the hundreds and possibly thousands of dollars annually depending on structure and site-specific conditions; and
    - ii. increase the risk to life and property resulting from construction below the base flood level.

- (b) The Floodplain Administrator shall maintain a record of all variance actions and appeal actions, including justification for their issuance. Report any variances to the Federal Emergency Management Agency Region 4 and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.
- (c) A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the City Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

**Section 8.** The City Council hereby amends and restates Chapter 11½, Article III, Section 11½.31 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.31. General standards.**

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

- (1) Require copies of all necessary permits 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. Maintain such permits be on file.
- (2) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure.
- (3) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- (4) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage:
  - (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
  - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
  - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (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, and 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.

(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.

(11) Proposed new construction and substantial improvements that are partially located in an area of special flood hazard shall have the entire structure meet the standards for new construction.

(12) Proposed new construction and substantial improvements that are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations shall have the entire structure meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

**Section 9.** The City Council hereby amends and restates Chapter 11½, Article III, Section 11½.32 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.32. Specific standards.**

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

(1) Residential and Non-residential Structures. Where base flood elevation data is available, new construction and 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 Section 11½.32(3) of this chapter.

(2) Non-Residential Structures. New construction and substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be floodproofed 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 Section 11½.23(6) of this chapter.

Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Flood Emergency Operation Plan and an Inspection and Maintenance Plan must be provided by the design professional for the building. Such certification shall be provided to the Floodplain Administrator.

(3) Enclosures for Elevated Buildings. All new construction and substantial improvements of existing structures that include **ANY fully enclosed area** below the base flood elevation, located below the lowest floor formed by the 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 (if a structure has more than one enclosed area below the base flood elevation, each shall have openings on exterior walls);
  - 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 and other coverings and 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.
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms. All interior walls, ceilings and floors below the base flood elevation shall be unfinished and/or constructed of flood resistant materials.
- (d) Mechanical, electrical or plumbing devices shall not be installed below the Base Flood Elevation. The interior portion of such enclosed area(s) shall be void of utilities except for essential lighting and power as required.

(4) Standards for Manufactured Homes and Recreational Vehicles - Where base flood elevation data are available:

- (a) All manufactured homes placed and 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 and 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. where no Base Flood Elevation exists, the manufactured home chassis and supporting equipment is supported by reinforced piers or other foundation elements of at least equivalent strength and a maximum of 60 inches (five feet) above grade and must meet the standards of Section 11½.33(5) of this chapter.
- (c) All Manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (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 its 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 Sections 11½.32(3)(a) and 11½.32(3)(c) of this chapter.

(5) Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City of Anniston FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than **one foot** at any point within the community.

(6) Accessory Structures (also referred to as appurtenant structures). This provision generally applies to new and substantially improved accessory structures. When an accessory structure complies with all other provisions of this ordinance (including floodway encroachment), represents a minimal investment (less than \$1000), and meets the requirements outlined below, these structures may be wet-floodproofed and do not have to be elevated or dry floodproofed.

Accessory structures include, but are not limited to, residential structures such as detached garages, storage sheds for garden tools or woodworking, gazebos, picnic pavilions, boathouses, small pole barns, and similar buildings. The following provisions apply to accessory structures built below the base flood elevation:

- (a) A permit shall be required prior to construction or installation.
- (b) Must be low value (less than \$1,000) and not be used for human habitation.

- (c) Use must be restricted to parking of personal vehicles or limited storage (low-cost items that cannot be conveniently stored in the principal structure).
- (d) Must be designed with an unfinished interior and constructed with flood damage-resistant materials below the BFE.
- (e) Must be adequately anchored to prevent flotation, collapse, or lateral movement.
- (f) Must have adequate flood openings as described in Section 11½.31(5) of this chapter and be designed to otherwise have low flood damage potential.
- (g) Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (h) Any mechanical and other utility equipment in the structure must be elevated to or above the BFE or must be floodproofed.
- (i) Under limited circumstances communities may issue variances to permit construction of wet-floodproofed accessory structures. Communities should not grant variances to entire subdivisions for accessory structures, especially detached garages. Variances should only be reviewed and issued on an individual or case-by-case basis and be based on the unique characteristics of the site.

**Section 10.** The City Council hereby amends and restates Chapter 11½, Article III, Section 11½.33 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.33. Building standards for streams without established base flood elevations (approximate A-Zones).**

Located within the Areas of Special Flood Hazard established in Section 11½.7 of this chapter, where streams exist but no base flood data have been provided (Approximate A-Zones), the following provisions apply:

(1) 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 the lesser.

(2) When base flood elevation data or floodway data have not been provided in accordance with Section 11½.7 of this chapter, then the Floodplain 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 III of this chapter. ONLY if data are not available from these sources, then Section 11½.33(5) and (6) shall apply:

(3) 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.

(4) All development in Zone A must meet the requirements of Sections 11½.31 and 11½.32(1) – (4) of this chapter.

(5) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor (for the lowest enclosed area; including basement) elevated no less than three (3) feet above the highest adjacent grade. If the requirement as set forth in Section 11½.32(1) and (2) require the lowest floor to be elevated no less than one foot about the base flood elevation, then the structure for this condition shall be elevated no less than four (4) feet about the highest adjacent grade.

(6) In the absence of a base flood elevation, a manufactured home must also meet the elevation requirements of Section 11½.32(4)(b)(ii) in that the structure must be elevated to a maximum of 60 inches (5 feet).

(7) Openings sufficient to facilitate automatic equalization of flood water hydrostatic forces on exterior walls shall be provided in accordance with standards of Section 11½.32(3)(a). The Floodplain Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(8) Fill within the area of special flood hazard shall result in no net loss of natural floodplain storage. The volume of loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site. Any excavation or other measures taken for compensatory storage shall be properly designed to provide protection against erosion or overgrowth of vegetation in order to preserve the storage volume. Proper maintenance measures shall also be undertaken to ensure the intended storage volume remains in perpetuity.

**Section 11.** The City Council hereby amends and restates Chapter 11½, Article III, Section 11½.34 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.34. Standards for areas of shallow flooding (AO Zones).**

Areas of Special Flood Hazard established in Section 11½.7 of this chapter 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 nonresidential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate

Map (FIRM) plus one foot of freeboard. **If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade.** Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 11½.32(3), “Enclosures for Elevated Buildings”.

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

(2) New construction and 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 flood level in Section 11½.34(1) or three (3) feet (if no depth number is specified), 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 Section 11½.22(1)(a)(iii) and 11½.22(1)(b).

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

**Section 12.** The City Council hereby amends and restates Chapter 11½, Article III, Section 11½.35 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.35. 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 all new subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than fifty lots or five acres; whichever is the lesser.

(5) All subdivision and other development proposals which involve disturbing more than 0.5 acres of land shall include a stormwater management plan which is designed to limit peak

runoff from the site to predevelopment levels for the one, ten, and 100-year rainfall event. These plans shall be designed to limit adverse impacts to downstream channels and floodplains. Single residential lots involving less than one acre of land disturbance are not subject to this regulation.

(6) All preliminary plans for platted subdivisions shall identify the flood hazard area and the elevation of the base flood.

(7) All final subdivision plats will provide the boundary of the special flood hazard area, the floodway boundary, and the base flood elevations.

(8) In platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-filled) 1% chance annual floodplain. The buildable area shall be, at a minimum, large enough to accommodate any primary structure and associated structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, where applicable.

**Section 13.** The City Council hereby adopts and enacts Chapter 11½, Article III, Section 11½.36 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

**Sec. 11½.36. Floodways.**

Located within Areas of Special Flood Hazard established in Section 11½.7 of this chapter, 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:

(1) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(2) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted 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;

(3) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

(4) **ONLY** if Subsections (1) through (3) of this Section are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article III of this chapter.

**Section 14.** If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be noncompliant with 44 Code of Federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 15.** All prior ordinances, including sections or subsections thereof, in conflict with the terms and provisions set forth in this ordinance are hereby repealed. The repeal effected hereby shall not effect, termination, or preclude any rights, duties, requirements or terms which arose or existed as of the date this ordinance becomes effective. All provisions of Chapter 11½ of “The Code of the City of Anniston, Alabama, 1981” not amended or repealed by this ordinance shall remain in full force and effect and are adopted and incorporated as though set forth herein.

**Section 16.** 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 \_\_\_ day of \_\_\_\_\_, 2020.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay W. Jenkins, Council Member

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David E. Reddick, Council Member

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Ben Little, Council Member

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Millie Harris, Council Member

ATTEST:

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Skylar Bass, City Clerk

**ORDINANCE NO. 20-0-\_\_**

**AN ORDINANCE AMENDING SECTION 15.54 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA REMOVING TRAFFIC SIGNALS**

WHEREAS, the City Council of the City of Anniston (the "Council") finds that the traffic signals at the intersection of Clydesdale Avenue and West 10<sup>th</sup> Street are due to be removed;

**NOW, THEREFORE, 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 and restates Section 15.54(a) of "The Code of the City of Anniston, Alabama, 1981" in its entirety to read as follows:

**Section 15.54. Traffic Lights, ect., generally.** No person, while operating a vehicle or as a pedestrian, shall disregard or disobey immediately controlling his movements, given or indicated by a street traffic signal light or sign located at any of the following street intersections within the city:

- (a) All roadways beginning with the letter "A" through "D":
  - (1) *Brown Avenue* and 15th Street.
  - (2) *Christine Avenue* and 11th Street.
  - (3) *Clydesdale Avenue* and 10th Street (Eulaton Road).
  - (4) *Cobb Avenue* and 14th Street.
  - (5) *Cobb Avenue* and 15th Street.
  - (6) *Cooper Avenue* and 15th Street.

Section 2. 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 \_\_ day of **October 2020**.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay W. Jenkins, Council Member

\_\_\_\_\_  
David E. Reddick, Council Member

\_\_\_\_\_  
Benjamin L. Little, Council Member

\_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Skyler Bass, City Clerk

**ORDINANCE NO. 20-0-\_\_**

**AN ORDINANCE AMENDING SECTION 15.58 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA REMOVING AND INSTALLING STOP INTERSECTIONS GENERALLY**

**WHEREAS**, the City Council of the City of Anniston (the “Council”) finds that a two-way stop sign is due to be removed at 7<sup>th</sup> Street at its intersection with Keith Avenue; 7<sup>th</sup> Street at its intersection with Knox Avenue; and 24<sup>th</sup> Street at its intersection with McKleroy Avenue;

**WHEREAS**, the City Council of the City of Anniston (the “Council”) finds that a one-way stop sign is due to be installed at 10<sup>th</sup> Street at its intersection with Clydesdale Avenue – at the southwest corner facing west;

**NOW, THEREFORE, 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 and restates Section 15.58 Section U of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

**Sec. 15.58. - Stop intersections generally.** When stop signs or signals are erected giving notice thereof, it shall be unlawful for any person driving or operating a vehicle to enter any of the first named Streets in such list without first coming to a complete stop before entering such first named Street:

Section U. All Streets beginning with a numeral as follows:

- (1) 1<sup>st</sup> Street, at its intersection with Avenue A.
- (2) *1st Street*, at its intersection with Avenue B
- (3) *3rd Street*, at the south side of its intersection with Chestnut Avenue.
- (4) *3rd Street*, at the west side of its intersection with Glenaddie Avenue.
- (5) *4th Street*, at its intersection with Chestnut Avenue.
- (6) *4th Street*, at its intersection with Mulberry Avenue.
- (7) *4th Street*, at its intersection with Spruce Street.
- (8) *4th Street*, at the south side of its intersection with Walnut Avenue.
- (9) *5th Street*, at its intersection with Lapsley Avenue.
- (10) *5th Street*, at the southwest corner of its intersection with Chilton Avenue, facing in a westerly direction.
- (11) *6th Street*, at the southwest corner of its intersection with Noble Street, facing in a westerly direction.
- (12) *6th Street and Powell Street*, northbound traffic on Powell Street must stop at its intersection with 6th Street.
- (13) *7th Street*, at its intersection with Atlanta Avenue.
- (14) *7th Street*, at its intersection with Highland Avenue.
- (15) *7th Street*, and Leighton Avenue, northeast corner facing in an easterly direction.
- (16) *7th Street*, and Leighton Avenue, southwest corner facing in a westerly direction.
- (17) *8th Street*, at its intersection with Atlanta Avenue.
- (18) *8th Street*, at the southwest corner of its intersection with Keith Avenue, vehicles approaching from a westerly direction.
- (19) *8th Street*, at the southeast corner of its intersection with the first alley west of Keith Avenue.
- (20) *9th Street*, at the northeast corner of its intersection with Atlanta Avenue.
- (21) *9th Street*, at its intersection with Gurnee Avenue, vehicles approaching from an easterly or westerly direction.

- (22) *9th Street*, at its intersection with Maplewood place.
- (23) *9th Street*, at its intersection with Montgomery Avenue.
- (24) *9th Street*, at the northeast corner of its intersection with Jefferson Avenue, facing in a southerly direction.
- (25) *9th Street*, at its southeast intersection with Jefferson Avenue, facing in a southerly direction.
- (26) *9th Street*, at the southwest corner of its intersection with Jefferson Avenue, facing in a westerly direction.
- (27) *9th Street*, at the northwest corner of its intersection with Jefferson Avenue, facing in a northerly direction.
- (28) *9th Street*, at the northeast corner of its intersection with Isabell Avenue, facing in an easterly direction.
- (29) *9th Street*, at its southeast intersection with Isabell Avenue, facing in an easterly direction.
- (30) *9th Street*, at the southwest corner of its intersection with Isabell Avenue, facing in a westerly direction.
- (31) *9th Street*, at the northwest corner of its intersection with Isabell Avenue, facing in a northerly direction.
- (32) *9th Street*, at the southeast corner of its intersection with Montgomery Avenue.
- (33) *9th Street*, at the northwest corner of its intersection with Montgomery Avenue.
- (34) *10<sup>th</sup> Street*, at its southwest corner of its intersection with Clydesdale Avenue, facing west
- (35) *10th Street*, at its intersection with Keith Avenue.
- (36) *10th Street*, at its intersection with the first alley east of Wilmer Avenue.
- (37) *11th Street*, at the north side of its intersection with Boynton Avenue.
- (38) *11th Street*, at the north side of its intersection with Cobb Avenue.
- (39) *11th Street*, at the north side of its intersection with Crawford Avenue.
- (40) *11th Street*, at its intersection with Elizabeth court.
- (41) *11th Street*, at its intersection with Fairmont Avenue.
- (42) *11th Street*, at its intersection with Ferron Avenue.
- (43) *11th Street*, at its intersection with Glenaddie Avenue.
- (44) *11th Street*, at its intersection with Gurnee Avenue.
- (45) *11th Street*, at its intersection with Highland Avenue.
- (46) *11th Street*, at its intersection with the high school exit.
- (47) *11th Street*, at its intersection with McDaniel Avenue.
- (48) *11th Street*, at its intersection with Mulberry Avenue.
- (49) *11th Street*, at its intersection with Parkwin Avenue.
- (50) *11th Street*, at its intersection with Pine Avenue.
- (51) *11th Street*, at the north side of its intersection with Project drive.
- (52) *11th Street*, at the southwest corner of its intersection with Rainwater court, facing in a northerly direction.
- (53) *11th Street* at its intersection with Woodstock Avenue.
- (54) *11th Street*, at its intersection with Woodstock Avenue.
- (55) *12th Street*, at the north side of its intersection with Brown Avenue.
- (56) *12th Street*, at the southwest corner of its intersection with Clydesdale Avenue.
- (57) *12th Street*, at its intersection with Cobb Avenue.
- (58) *12th Street*, at its intersection with Crawford Avenue.
- (59) *12th Street*, at its intersection with McDaniel Avenue.
- (60) *12th Street*, at the southeast corner of its intersection with Rainwater court, facing in a southerly direction.
- (61) *12th Street*, at the north side of its intersection with Stephens Avenue.
- (62) *13th Street*, at its intersection with Moore Avenue.
- (63) *13th Street*, at its intersection with Walnut Avenue.
- (64) *14th Street*, at its intersection with Duncan Avenue.

- (65) *14th Street*, at the northwest corner of its intersection with Woodstock Avenue, facing in a northerly direction.
- (66) *14th Street*, at the southwest corner of its intersection with Woodstock Avenue, facing in a westerly direction.
- (67) *14th Street*, at the southeast corner of its intersection with Woodstock Avenue, facing in a southerly direction.
- (68) *15th Street*, at the north side of its intersection with Crawford Avenue.
- (69) *15th Street*, at the south side of its intersection with Crawford Avenue.
- (70) *15th Street*, at the north side of its intersection with Dooley Avenue.
- (71) *15th Street*, at the north side of its intersection with Kelley Avenue (a/k/a/ Kelley Alley).
- (72) *15th Street*, at the south side of its intersection with Kelley Avenue (a/k/a Kelley Alley).
- (73) *15th Street*, at its intersection with Highland Avenue.
- (74) *15th Street*, at its intersection with Stephens Avenue.
- (75) *16th Street*, at its intersection with Boynton Avenue.
- (76) *16th Street*, at its intersection with Carter Street.
- (77) *16th Street* heading westbound to Dimple Lee O'neal and at Dimple Lee O'neal heading northbound to 16th Street in the city.
- (78) *16th Street*, at its intersection with Duncan Avenue.
- (79) *16th Street*, at its intersection with Glenaddie Avenue.
- (80) *16th Street*, at its intersection with Pine Avenue.
- (81) *17th Street*, at its intersection with Duncan Avenue.
- (82) *17th Street*, at its intersection with Gurnee Avenue.
- (83) *17th Street*, at the north side of its intersection with McKleroy Avenue.
- (84) *17th Street*, at the southeast corner of its intersection with Duncan Avenue, facing in a southerly direction.
- (85) *17th Street*, at the northeast corner of its intersection with Duncan Avenue, facing in an easterly direction.
- (86) *17th Street*, at the northwest corner of its intersection with Duncan Avenue, facing in a northerly direction.
- (87) *17th Street*, at the southwest corner of its intersection with Duncan Avenue, facing in a westerly direction.
- (88) *18th Street*, at its intersection with Christine Avenue.
- (89) *18th Street*, at its intersection with Cobb Avenue.
- (90) *18th Street*, at its intersection with Gurnee Avenue.
- (91) *Reserved.*
- (92) *18th Street*, at its intersection with Marguerite Avenue.
- (93) *18th Street*, at its intersection with McKleroy Avenue.
- (94) *19th Street*, at its intersection with Gurnee Avenue.
- (95) *19th Street*, at its intersection with McKleroy Avenue.
- (96) *19th Street*, at its intersection with Moore Avenue.
- (97) *19th Street*, at its intersection with Walnut Avenue.
- (98) *20th Street*, at its intersection with Christine Avenue.
- (99) *20th Street*, at its intersection with Cooper Avenue.
- (100) *20th Street*, at its intersection with LeGrande Avenue.
- (101) *21st Street*, at its intersection with Christine Avenue.
- (102) *Reserved.*
- (103) *21st Street*, at its intersection with Duncan Avenue.
- (104) *21st Street*, at its intersection with Gurnee Avenue.
- (105) *21st Street*, at its intersection with McKleroy Avenue.
- (106) *21st Street*, at its intersection with Moore Avenue.
- (107) *21st Street*, at its intersection with Walnut Avenue.
- (108) *22nd Street*, at the northwest corner of its intersection with Leighton Avenue.
- (109) *22nd Street*, at its intersection with Moore Avenue.

- (110) *Reserved.*
- (111) *22nd Street*, at its intersection with Southland drive, vehicles approaching from a northerly direction.
- (112) *22nd Street*, at its intersection with Wilmer Avenue.
- (113) *23rd Street*, at its intersection with Moore Avenue.
- (114) *24th Street*, at its intersection with Gurnee Avenue.
- (115) *25th Street*, at its intersection with Gurnee Avenue.
- (116) *26th Street*, (S.W. Corner) and Street with 26th Street being designated as the stop Street with the sign facing west.
- (117) *28th Street*, at its intersection with Brighton Avenue.
- (118) *28th Street*, at its intersection with Wilmer Avenue.
- (119) *29th Street*, at its intersection with McClellan boulevard.
- (120) *29th Street*, at its intersection with the first alley west of Walnut Avenue.
- (121) *29th Street*, at its intersection with McKleroy Avenue.
- (122) *29th Street*, at its intersection with Wilmer Avenue.
- (123) *30th Street*, at its intersection with old Wilmer Avenue.
- (124) *30th Street*, at its intersection with Patton road.
- (125) *30th Street*, at its intersection with Walnut Avenue.
- (126) *State Highway 202*, at its intersection with LaGarde Avenue

Section 2. 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 \_\_\_ day of **October** 2020.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay W. Jenkins, Council Member

\_\_\_\_\_  
David E. Reddick, Council Member

\_\_\_\_\_  
Benjamin L. Little, Council Member

\_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Skyler Bass, City Clerk

**ORDINANCE NO. 20-0-\_\_**

**AN ORDINANCE AMENDING SECTION 15.57 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA ADDING FOUR-WAY STOP INTERSECTIONS**

**WHEREAS**, the City Council of the City of Anniston (the “Council”) finds that a four-way stop sign is due to be installed at the intersection of 7<sup>th</sup> Street and Keith Avenue; the intersection of 7<sup>th</sup> Street and Knox Avenue; and intersection of 24<sup>th</sup> Street and McKleroy Avenue; and

**NOW, THEREFORE, 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 and restates Section 15.57(f) of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

**Sec. 15.57. - Four-way stop intersections.** When stop signs or signals are erected giving notice thereof, it shall be unlawful for any person driving or operating a vehicle to enter any four-way stop intersection from any direction without coming to a complete stop before entering such intersection. The following are hereby designated as four-way stop intersections:

- (f) All roadways beginning with a numeral:
  - (1) *5th Street*, at its intersection with Keith Avenue.
  - (2) *6th Street*, at its intersection with Wilmer Avenue.
  - (3) *7th Street*, at its intersection with Goodwin Avenue.
  - (4) *7th Street*, at its intersection with Keith Avenue.
  - (5) *7th Street*, at its intersection with Knox Avenue.
  - (6) *11th Street and Moore Avenue*, intersection of.
  - (7) *12th Street and Gurnee Avenue*, intersection of.
  - (8) *14th Street*, at its intersection with Bancroft Avenue.
  - (9) *14th Street and Christine Avenue*, intersection of.
  - (10) *14th Street*, at its intersection with Cooper Avenue.
  - (11) *14th Street and Gurnee Avenue*, intersection of.
  - (12) *14th Street*, at its intersection with McDaniel Avenue.
  - (13) *15th Street*, at its intersection with Christine Avenue.
  - (14) *15th Street*, at its intersection with Crawford Avenue.
  - (15) *15th Street*, at its intersection with Leighton Avenue.
  - (16) *15th Street*, at its intersection with McCall Drive.

- (17) *16th Street and Christine Avenue* intersection of.
- (18) *17th Street*, at its intersection with Bancroft Avenue.
- (19) *18th Street*, at its intersection with Brown Avenue.
- (20) *24<sup>th</sup> Street*, at its intersection with McKleroy Avenue.
- (21) *24th Street and Moore Avenue*, intersection of.
- (22) *31st Street and Oakland Avenue*, at its intersection facing opposite all four directions of travel.

Section 2. 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 \_\_\_ day of **October 2020**.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay W. Jenkins, Council Member

\_\_\_\_\_  
David E. Reddick, Council Member

\_\_\_\_\_  
Benjamin L. Little, Council Member

\_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Skyler Bass, City Clerk

# RESOLUTIONS

**RESOLUTION NUMBER 20-R-\_\_**

**A RESOLUTION OVER-RULING OBJECTIONS TO THE ABATEMENT OF IDENTIFIED NUISANCES**

**WHEREAS**, Act 1995-375, Section 2, Amended by Act 2004-256 and codified as Sections 45-8-172, et seq. of the Code of Alabama, 1975, defines public nuisances and authorizes the City to order or otherwise accomplish the removal of such nuisances; and

**WHEREAS**, the City of Anniston has identified herein a specific list of such nuisances and the appropriate remedies to abate each nuisance; and

**WHEREAS**, the City of Anniston has notified the property owners or other parties that may be held responsible and has held a public hearing to consider objections to the proposed remedy as required by law.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Anniston, Alabama that all objections and protests to the nuisance remedies identified in Exhibit "A" attached is hereby over-ruled and the recommended remedies are ordered to be applied to abate the nuisances according to the procedures and processes in Section 34.3 of the Code of Ordinances of the City of Anniston, Alabama.

**PASSED AND ADOPTED** this the 13<sup>th</sup> day of **October, 2020**.

**CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA**

BY: \_\_\_\_\_  
Jack Draper, Mayor

BY: \_\_\_\_\_  
Jay W. Jenkins, Council Member

BY: \_\_\_\_\_  
David E. Reddick, Council Member

BY: \_\_\_\_\_  
Benjamin L. Little, Council Member

BY: \_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Skyler Bass, City Clerk

**Exhibit "A"**  
**Group 2020-05 Grass, Debris and Vehicles**

<b>ADDRESS</b>	<b>PPIN</b>	<b>OWNER</b>	<b>VIOLATION</b>
229 Pyle Ave	67070	Tongia R Dothard	Weeds and Debris
602 E 22 <sup>nd</sup> St	751	Gerald P Smith	Weeds and Debris
2926 Noble St	60767	Brandon Wilson	Weeds and Debris

## RESOLUTION NUMBER 20-R-69

### A RESOLUTION DECLARING A REPORTED CONDITION TO BE A PUBLIC NUISANCE

**WHEREAS**, Tana Bryant, an Appropriate City Official, pursuant to Section 34.7 and 34.15 of said Ordinance, has reported to the City Council that conditions exist at **see attached (Group 2020-06 Grass, Debris & Vehicles)** in Anniston, Alabama that are believed to be a public nuisance; and

**WHEREAS**, the said City official submitted proof of said condition that was deemed by the City Council to be satisfactory to show that a public nuisance existed at the place specified; and

**WHEREAS**, Section 34.3 (b) (1), (2), (4) of the City of Anniston Ordinance No. 11-0-9 declares the following conditions to be a public nuisance: **overgrown lots, maintenance or storage of motor vehicles that are not in usable condition as defined in Section 34.2 of the Code of Ordinances and debris, motor vehicles and trash**; and

**RESOLVED THEREFORE**, that a public nuisance exists at the above said locations within the City of Anniston, said property being more particularly described on **Exhibit "A"** to this resolution; and

**RESOLVED FURTHER**, that the public nuisance must be abated by the City and the cost of abatement charged as a lien against the property if not remedied by the owner(s); and

**RESOLVED FURTHER**, that a hearing be set before the City Council at its next regular scheduled meeting to hear objections to the City's actions; and

**RESOLVED FURTHER**, that at least two NOTICES TO REMOVE PUBLIC NUISANCE be promptly posted by the Appropriate City Official in front of the said property at not more than 100 feet in distance apart as specified in Section 34.16 of the Code of Ordinances; and

**RESOLVED FURTHER**, that the Appropriate City Official shall post said NOTICE TO REMOVE PUBLIC NUISANCE, as aforesaid, at least 5 days prior to the time for hearing objections by the City Council; and

**RESOLVED FURTHER**, that the Appropriate City Official shall determine the name and address of the person or entity last assessing said property for tax purposes, and shall further cause a search to be made of the public records, and shall further make a diligent investigation to discover the name(s) and contact information of the owners of every beneficial interest in the said property; and

**RESOLVED FURTHER**, that the Appropriate City Official shall, at least 5 days prior to the time for a hearing of objections by the City Council, mail a copy of said Notice by certified or registered mail, with postage prepaid and return receipt requested, to the last person/entity assessing the property for taxes and to each owner of a beneficial interest in said property including, without limitation, mortgagees of record.

**PASSED AND ADOPTED** this the **13<sup>th</sup>** day of **Octoberer 2020**.

**CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA**

BY: \_\_\_\_\_  
Jack Draper, Mayor

BY: \_\_\_\_\_  
Jay W. Jenkins, Council Member

BY: \_\_\_\_\_  
David E. Reddick, Council Member

BY: \_\_\_\_\_  
Benjamin L. Little, Council Member

BY: \_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Skylar Bass, City Clerk

**Exhibit "A"****Group 2020-06 Grass, Debris & Vehicles**

<b>Address</b>	<b>PPIN</b>	<b>Owner</b>	<b>Violation</b>
12 Avenue A	57647	RICH RITA D & INGRAM OPAL B	Debris
13 Avenue A	57646	HILL MARK EDWARD	Debris
16 Railroad	74037	T P RENTALS	Weeds, debris and inoperable vehicle: orange Pontiac Sunfire tag unknown
100 East 29 <sup>th</sup> Street	25083	WALKER HERSHEL	Weeds, debris, and unsecured
201 East 28 <sup>th</sup> St	25087	ALBC PROPERTIES LLC	Debris
429 Williamson Ave	73813	EDMONDS VICKIE	Weeds and debris
501 Dogwood	73778	PLUMMER JOSEPH D & Y DENISE	Weeds, debris, and inoperable vehicles: red and white Ford pickup tag 11DW502, black Mitsubishi Montero no tag, black Mazda pickup tag 11HW650, white Chevrolet Uplander tag 11HP565, white sedan make, model and tag unknown, Red make and model unknown tag 11H593K
503 Williamson Ave	73794	ODELL KENNETH RAY & BEVERLY DAWN	Weeds, debris, and inoperable vehicle: champagne sedan tag unknown
611 East 22 <sup>nd</sup> Street	24525	WOODROW BOBBY	Weeds, debris and inoperable vehicle: black Ford pickup tag: 4AC2247
618 East 22 <sup>nd</sup> Street	21606	HILL JEROMY JOSEPH	Weeds and debris
810 Old Gadsden Hwy	73384	BARNETT BESSIE DEAN C/O WMW LAND LLC (TS)	Weeds and debris
925 Highland Ave	17885	BHATTI RAMANJIT	Weeds and debris
1612 Cobb Ave	19505	J AND L PROPERTIES LLC	Weeds and debris
2020 Christine Ave	21226	COX T O JR & EDNA K	Weeds and debris
2109 Christine Ave	21244	TIM CAIN ENTERPRISES LLC	Weeds and debris
2705 Gurnee Ave	25716	JOHNSON CURTIS ANTHONY & TIFFANY ALMA	Weeds and debris

**RESOLUTION NUMBER 20-R-**

**A RESOLUTION CERTIFYING THE RESULTS OF THE OCTOBER 6, 2020,  
MUNICIPAL RUN-OFF ELECTION FOR CITY COUNCIL**

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

**WHEREAS**, the regular municipal election for the purpose of electing the members of the City Council of the City of Anniston, Alabama was held on Tuesday, August 25, 2020; and

**WHEREAS**, the City Council canvassed the returns to determine the votes of the various candidates at such elections; and

**WHEREAS**, the City Council found and declared that no candidate received a majority of the votes for the Office of Council Member at Large (Mayor), but that Jack Draper and David Reddick, received the highest and next highest number of votes at such election; and

**WHEREAS**, the City Council found and declared that no candidate received a majority of the votes for the Office of Council Ward 1, but that Angela Fears and Jay Jenkins, received the highest and next highest number of votes at such election; and

**WHEREAS**, the City Council found and declared that no candidate received a majority of the votes for the Office of Council Ward 2, but that Dann Huguley and Demetric "D.D." Roberts, received the highest and next highest number of votes at such election; and

**WHEREAS**, the City Council found and declared that no candidate received a majority of the votes for the Office of Council Ward, 3 but that Ben Little and Ciara Smith, received the highest and next highest number of votes at such election; and

**WHEREAS**, the City Council ordered a second "runoff" election to be held on October 6, 2020, within said City; and

**WHEREAS**, such election has been conducted for the purpose of electing the Council Member at Large (Mayor), Council Member Ward 1, Council Member Ward 2, and Council Member Ward 3; and

**WHEREAS**, this is the time and place for the City Council of the City to proceed to open envelopes addressed to the Mayor, which have been delivered by the several inspectors or returning officers to the City Clerk, of the City to canvas the returns and ascertain and determine the number of votes received by each candidate.

**NOW THEREFORE**, having performed the aforesaid duties required by law, the City Council of the City of Anniston, Alabama does hereby find, resolve and declare as follows:

Section 1. That the number of votes cast for each candidate for the office of Council Member at Large (Mayor) of said City is set forth opposite each such candidate's name below as follows:

- a. Jack Draper \_\_\_\_\_
- b. David Reddick \_\_\_\_\_

Section 2. That the number of votes cast for each candidate for the office of Council Member from Ward 1 of said City is set forth opposite each such candidate's name below as follows:

- a. Angela Fears \_\_\_\_\_
- b. Jay Jenkins \_\_\_\_\_

Section 3. That the number of votes cast for each candidate for the office of Council Member from Ward 2 of said City is set forth opposite each such candidate's name below as follows:

- a. Dann Huguley \_\_\_\_\_
- c. Demetric" D.D." Roberts \_\_\_\_\_

Section 4. That the number of votes cast for each candidate for the office of Council Member from Ward 3 of said City is set forth opposite each such candidate's name below as follows:

- a. Benjamin L. Little \_\_\_\_\_
- b. Ciara Smith \_\_\_\_\_

Section 5. That \_\_\_\_\_ received a majority of the votes for the office of Council Member at Large (Mayor) and he is hereby declared elected to said office.

Section 6. That \_\_\_\_\_ received a majority of the votes for the office of Council Member Ward 1 and he/she is hereby declared elected to said office.

Section 7. That \_\_\_\_\_ received a majority of the votes for the office of Council Member Ward 2 and he is hereby declared elected to said office.

Section 8. That \_\_\_\_\_ received a majority of the votes for the office of Council Member Ward 3 and he/she is hereby declared elected to said office.

Section 9. That certificates of election signed in the name of the City Council by its members and attested by the City Clerk shall be given to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Which shall entitle each of them to the position of their respective offices immediately upon the expiration of the term of the current Council offices on Monday, November 2, 2020.

Section 13. That the City Clerk shall file a copy of each such certificate of election in the office of the Judge of Probate of Calhoun County, Alabama.

**PASSED AND ADOPTED** this the **13<sup>th</sup>** day of **October, 2020**.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

BY: \_\_\_\_\_  
Jack Draper, Mayor

BY: \_\_\_\_\_  
Jay Jenkins, Council Member

BY: \_\_\_\_\_  
David E. Reddick, Council Member

BY: \_\_\_\_\_  
Ben Little, Council Member

BY: \_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Skyler Bass, City Clerk