

ORDINANCE NO. 2007-19

AN ORDINANCE REGULATING CERTAIN TYPES OF REAL PROPERTY IN THE CITY OF GARDENDALE OCCUPIED BY THREE OR MORE NON-RELATED PERSONS

BE IT ORDAINED by the City Council of the City of Gardendale, Alabama, while in regular session on the 5th day of November, 2007, at 6:00 p.m., as follows:

SECTION 1. PURPOSE

This ordinance is enacted in order to provide for the health, safety, and the overall general welfare of the public. The City has determined that it is necessary, proper, and reasonable that all buildings or structures of any description in which three (3) or more non-related persons reside or live conform to certain specific health and safety provisions.

SECTION 2. REGULATIONS FOR SUBJECT PROPERTY.

All properties and uses referenced above and covered by this ordinance shall conform to the following specific health, safety, and welfare provisions, to wit:

1. This section shall apply to any building or structure of any nature in which there are three (3) or more non-related persons who reside or live therein.
2. The building or structure shall at all times contain continuous sprinkling systems. For any residential building or structure where three (3) or more non-related persons reside or live therein, said responsible party shall install and maintain a National Fire Protection Act 13R type sprinkling systems. For all other structures or buildings, the responsible party shall install and maintain a National Fire Protection Act 13 type sprinkling system. Said sprinkling system shall be installed and maintained in each and every sleeping room, gathering room, eating facility, kitchen, or other room within the structure.
3. Further, all windows in all sleeping rooms of the structure shall be clearly identified with decals as provided for and in compliance with the National Fire Protection Act safety requirements and as required by the Fire Chief of the City, or his representative.
4. This responsible party shall file with the City Clerk and the Fire Chief (or his representative) and the Building Inspection Department, an initial log and floor plan with schematic detailing the following information:
 - a. The specific divisions of the floor plan by description;
 - b. The total number of persons residing within the building;
 - c. The emergency telephone number of the responsible party and a telephone number for all parties located within the structure.
5. If the structure is a domiciliary type building, the responsible party shall be obligated to maintain on a continuous basis a log and floor plan on the premises.

6. If there is a material change of the structure or occupancy, then a new log and floor plan shall be filed immediately with the above-named parties.
7. In the event that any type of deck, porch, ramp, or structure is attached to the main building or is a free-standing accessory structure that exceeds thirty (30) inches in height, then the same shall be provided with a minimum of forty-eight-inch (48”) handrails for the safety and protection of said persons.
8. Each year by January 31, the responsible party shall file an updated floor plan and log in accordance with subsections (1) through (7) as stated above by filing said information with the Fire Chief (or his representative) and City Clerk and Building Inspection Department.
9. Further, all structures shall meet the minimum requirements of the currently adopted building codes of the City and the State of Alabama Fire Code prior to occupancy. Any proposed plan of a structure shall be submitted to the Building Official and the Fire Chief, or his representative. Said official shall review all proposed plans as provided herein prior to a Certificate of Occupancy being issued. Further, said official shall make a final inspection and/or review prior to the issuance of a Certificate of Occupancy.
10. No structure shall be occupied by any individual until such time as all of the requirements of this ordinance are complied with and a Certificate of Occupancy is issued.
11. The provisions of this ordinance shall require compliance by responsible parties and shall include the owner, lessee, tenant, and other responsible parties, corporate official, or any other legal entity having control or a right of control of the structure.
12. Effective as of the date of this ordinance, all such structures existing within the City shall be exempt from the provisions of this ordinance until such time as the structures shall cease to function as set forth herein.

SECTION 3. PENALTY FOR NON-COMPLIANCE.

The failure to comply with any or all of the requirements of this ordinance shall constitute a violation of this ordinance. Said party shall be subject to a fine not to exceed five hundred dollars (\$500.00) and/or a six-month jail sentence. Each day of violation shall constitute a separate violation.

SECTION 4. SEVERABILITY.

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not in and of itself invalid or unconstitutional and which remaining part shall remain in full force and effect.

ADOPTED AND APPROVED on this the 5th day of November, 2007.