

ORDINANCE NO. 2021-⁰³⁴-ADM

An Ordinance Authorizing Billing of Reinspection Fees to Owners & Occupants of Commercial Structures Who Fail To Correct Violations of the Fire Prevention Code

WHEREAS, except as provided in Ordinance No. 2016-001-ADM, the City Council of the City of Trussville, Alabama (the “City Council”) heretofore, by reference, has adopted the International Fire Code promulgated by the International Code Council (the “Fire Code”) and the Life Safety Code (NFPA 101) that is published by the National Fire Protection Association (the “life safety code”) with respect to structures in the City of Trussville (the “City”); and

WHEREAS, the adoption of the fire code and life safety code, which collectively are referenced as the “fire prevention code”; and

WHEREAS, the City of Trussville’s Fire Marshal’s Office conducts inspections on commercial structures within the City, to ensure compliance with the fire prevention code, as well as all applicable National Fire Protection Association Codes, International Code Council Codes and City Ordinances; and

WHEREAS, the adoption of this Ordinance concerning the billing of inspection fees for fire official services arising from failure(s) by owners and users of commercial structures to correct a violation(s) of the fire prevention code will promote the public safety, health and general welfare of all citizens by promoting compliance with that code and permitting recovery of expenses incurred by the fire official

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

Section 1. The following shall be added to the Trussville Code of Ordinances as Section 42-7 of Chapter 42:

Secs. 42-7 Inspections and Reinspections

- (a) Inspection of Commercial Structures – To promote fire safety and as a courtesy to owners and occupants of commercial structures in the city, the fire official periodically may, but is not obligated to, inspect those structures to determine if the conditions there comply with the fire prevention code (a “fire safety inspection”). The city assumes no liability by making or failing to make any such inspection.
- (b) Reinspection Fees – If in the course of a fire safety inspection, the fire official identifies a violation(s) of the fire prevention code at a commercial structure, that official may (i) furnish notice of such violation (the “initial notice of violation”) to the owner or occupant of that structure, (ii) instruct either of them to correct said violation(s) on or before a date specified in that notice, (iii) advise either of them that the official will make a subsequent visit to the structure on or about that date to verify that the violation(s) identified in the initial notice of violation has been corrected, and (iv) further advise either of them that, if correction of the violation(s) of the fire prevention code is not completed by the stated date of the subsequent visit, the city will charge the owner or occupant, and they will be obligated to pay the city, an inspection fee in the amount set forth in Chapter 42, Section 42-7 (c) of this code for each visit to the structure that the fire official may make after the date specified in the initial notice of violation to verify compliance (a “reinspection fee for fire official services”).
- (c) Reinspection Fee Schedule – The fee schedule for reinspection for fire official services will be as follows:

a.

Description	Fee (in dollars)
Reinspection fee for fire official services	\$100 for first and second Reinspection
Reinspection fee for fire official services	\$250 for each Reinspection thereafter

b. After the fourth reinspection fee, a Summons to court will be issued to the property owner and/or occupant, and the business license(s) shall be suspended until all violations can be corrected.

c. Failure to pay the "Reinspection fee for fire official services" within a period of 30 calendar days will result in a Summons to court for "failure to pay" violation.

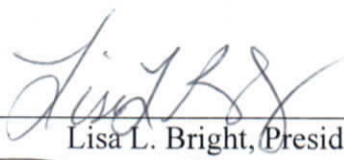
Section 2. This ordinance is cumulative in nature and is in addition to any power and authority, which the City may have under any other ordinance or law.

Section 3. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect, notwithstanding such holding.


Section 4. All other ordinances or parts of ordinances heretofore adopted by the City Council that are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

Section 5. This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED AND APPROVED THIS THE 28TH DAY OF DECEMBER, 2021



Lisa L. Bright, President Pro Tempore



Buddy Choat, Mayor



Attest: 

Dan Weinrib, City Clerk

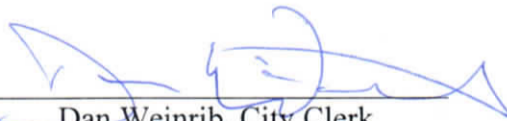
CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Dan Weinrib, City Clerk of the City of Trussville, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Trussville, Alabama, on the 28th day of December, 2021.

The above and foregoing ordinance was published on the 29th day of December, 2021, by posting copies thereof in three public places within the City of Trussville, one of which was at Trussville City Hall.

Witness my hand and seal of office this 29th day of December, 2021.



Dan Weinrib, City Clerk