

ORDINANCE NO. 2021-006

**AN ORDINANCE TO AMEND ORDINANCE 219-R1,
THE ZONING ORDINANCE OF THE TOWN OF GURLEY,
AS AMENDED, AND TO REPEAL ORDINANCE 219-R2**

WHEREAS, the Town Council of the Town of Gurley finds that it is in the interest of the Town of Gurley to revise its current zoning ordinance to add provisions relating to building permits and penalties, and to repeal Ordinance 219-R2 in its entirety.

BE IT ORDAINED by the Town Council of the Town of Gurley, on this the 21st day of September, 2021, that Ordinance #219-R1, the Town of Gurley Zoning Ordinance, adopted on the 7th day of January 2014, and as last subsequently amended, is hereby amended as follows:

I. Ordinance 219 R-2 is hereby repealed in its entirety.

II. Section 8-2 of Ordinance 219 R-1 is amended to read as follows:

SECTION 8-2 BUILDING PERMIT REQUIRED.

1. It shall be unlawful to commence the construction of any building or other structure, including the installation of a mobile home, modular home or accessory building greater than one hundred twenty (120) square feet floor space, without a building permit issued by the Town Clerk. This requirement also includes any alterations as defined in this Ordinance. Applications for a building permit shall be made to the Town Clerk on forms provided for that purpose and shall be accompanied by a fee according to the fee schedule currently in use by the Town of Gurley, which will be paid to the Town Clerk of the Town of Gurley, Alabama, for each application for building permit, to cover the cost of inspection and other administrative expenses.
2. A building permit shall not be transferable and shall be issued only to the applicant. It shall expire if work is not begun within 180 days from the date of issuance and the work for the entire project has not been completed within 365 days after issuance of the building permit.
3. No construction of a project may continue after a building permit has expired unless an extension of not more than 180 days is granted in writing by the Administrative Officer. An application for an extension must be submitted to the Administrative Officer prior to the expiration of the original permit and must be submitted with payment of an application fee of \$100.00. After expiration of the permit, continued work on the project for which the permit was issued shall be a violation of this ordinance, unless an extension of the original permit has been obtained in writing.
4. After expiration of the first permit extension, any further extensions may only be granted after application and a hearing before the Zoning Board of Adjustment. Only undue hardship or excusable neglect shall be grounds for the granting of a second extension. A second extension will be subject to payment of an additional extension fee of \$200.00.

5. If the permittee shall fail to complete a project by the expiration date of a building permit without issuance of an extension, or by the date on which any extension of a building permit expires, a new application for a building permit must be submitted, together with a new application fee, in an amount determined by the value of the remaining construction, before any work or construction may resume.

6. If a building permit expires and is not extended or renewed within 90 days of the expiration, then the landowner, at his or her own expense, must remove all improvements made to the incomplete project and restore the land to its original condition. An exemption from this requirement may be granted by the Zoning Board of Adjustment only upon the filing of a timely petition for the exemption within thirty days after notice of violation issued by the Administrative Officer, and after a hearing at which the petitioner demonstrates an applicable undue hardship or excusable neglect.

7. Within three (3) days after the owner or their agent has notified the Administrative Officer to the Town that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative Officer to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance; or, if the issuance of such certificate is refused, to state the cause of the refusal in writing. If the Certificate of Occupancy is denied, the applicant may appeal the decision of the Administrative Officer to the Zoning Board of Adjustment.

III. Section 11-2 of Ordinance 219-R-1 is hereby amended to read as follows:

SECTION 11-2 PENALTIES FOR VIOLATION.

Any person who shall violate any of the terms or provisions of this Ordinance or fails to comply with any of the requirements thereof, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), and may, in addition, be sentenced by the Court to not more than six (6) months in jail, or both. Each day that a violation continues shall constitute a separate offense for purposes of this ordinance.

This ordinance shall be effective upon its adoption and publication as required by law.

READ, APPROVED, AND ADOPTED AT A REGULARLY SCHEDULED MEETING OF THE TOWN COUNCIL OF THE TOWN OF GURLEY, ALABAMA, ON THIS 21ST DAY OF SEPTEMBER, 2021.

Stan Simpson
Mayor and Presiding Officer of the Town Council,
Town of Gurley, Alabama

ATTEST:

Ginger M. Patterson, Town Clerk

CLERK'S CERTIFICATE

I hereby certify that copies of the above and foregoing Ordinance were posted on the 22nd day of June, 2021, in four (4) public places within the corporate limits of the Town of Gurley, Alabama in accordance with Section 11-8-5, Code of Alabama, 1975.

I further certify that the foregoing Ordinance constitutes a true, correct and exact copy of the Ordinance which will be reviewed at the Planning Commission meeting on the 13th day of July, 2021, at 6:00 p.m.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official corporate seal of the Town of Gurley, Alabama on this the 22th day of June, 2021.

Town Clerk