

Chapter 2 ADMINISTRATION

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ARTICLE I. GOVERNING BODY MEETINGS AND PROCEDURE

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§ 2-1. Mayor and council; governing body.

The mayor and the city council shall be the governing body of the city with duties and powers to elect city officers and with authority to approve, adopt and repeal ordinances, regulations and policies which pertain and apply to city administration, business and functions subject to state law.

(Ord. No. 1996-16, § 1, 10-7-96)

State law reference— Duties, powers and authority of mayor and city council, Code of Alabama, Tit. 37.

§ 2-2. Regular meetings.

Regular meetings of the council shall be held on the following dates: the second and fourth Tuesday of each month.

(Ord. of 10-4-76, § 2; Ord. No. 1996-16, § 1, 10-7-96; Ord. No. 2004-11, § 1, 10-4-04)

§ 2-3. Special meetings.

Special meetings may be held at the call of the presiding officer by serving notice on each member of the council not less than twenty-four (24) hours before the time set for such special meetings; or

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special meetings may be held as provided by the Code of Alabama, 1975, whenever two (2) councilmembers making the request shall have the right to call such meeting. Notice of all special meetings shall be posted on a bulletin board accessible to the public at least twenty-four (24) hours prior to such meeting.

(Ord. of 10-4-76, § 3; Ord. No. 1996-16, § 1, 10-7-96)

State law reference— Provisions relating to calling special meetings, Code of Alabama, Tit. 37, § 430.

§ 2-4. Quorum.

A quorum shall be determined as provided by the Code of Alabama.

(Ord. of 10-4-76, § 4; Ord. No. 1996-16, § 1, 10-7-96)

State law reference— For definition of quorum, see: Code of Alabama, Tit. 37, § 429.

§ 2-5. Time and place.

All regular meetings shall convene at 5:00 p.m. at the City Hall and all meetings, regular and special, shall be open to the public.

(Ord. of 10-4-76, §§ 5, 12; Ord. No. 1996-16, § 1, 10-7-96)

§ 2-6. Rules of procedure.

The rules or order of procedure herein contained shall govern deliberations and meetings of the city council of Fayette, Alabama.

Rule 1. At the appointed hour, the mayor shall take the chair, call the council to order, and if a quorum be present, proceed to business.

Rule 2. The order of business shall be as follows:

- (1) A call to order.
- (2) Roll call.
- (3) Reading and approval of the minutes of the previous meeting.
- (4) Public comments.
- (5) Reports of standing committees.
- (6) Reports of special committees.
- (7) Reports of officers.
- (8) Reading of petitions, applications, complaints, appeals, communications, etc.
- (9) Auditing accounts.
- (10) Resolutions, ordinances, orders and other business.

Rule 3. No person, not a member of the council, shall be allowed to address the same while in session without permission of the presiding officer.

Rule 4. Every officer, whose duty it is to report at the regular meetings of the council, who shall be in default thereof, may be fined at the discretion of the council.

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- Rule 5. Motions shall be reduced to writing when required by the presiding officer of the council or any member of the council. All resolutions and ordinances and any amendments thereto shall be in writing.
- Rule 6. Motions to reconsider must be by a member who voted with a majority and at the same or next succeeding meeting of the council.
- Rule 7. Whenever it shall be required by one or more members, the "yeas" and "nays" shall be recorded and any member may call for a division on any question.
- Rule 8. All questions of order shall be decided by the presiding officer of the council with the right to appeal to the council by any member.
- Rule 9. The presiding officer of the council may, at his or her discretion, call any member to take the chair, to allow him or her to address the council, make a motion, or discuss any other matter at issue.
- Rule 10. Motions to lay any matter on the table shall be first in order, and on all questions, the last amendment, the most distant day, and the largest sum shall be first put.
- Rule 11. All meetings of the council shall be open to the public, except when the council meets in executive session as authorized by state law.
- Rule 12. The council may meet in executive session only for those purposes authorized by state law. When a councilmember makes a motion to go into executive session for an enumerated purpose, the presiding officer shall put the motion to a vote. If the majority of the council shall vote in favor of the motion to go into executive session, the body shall then move into executive session to discuss the matter for which the executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.
- Rule 13. A motion for adjournment shall always be in order.
- Rule 14. The rules of the council may be amended in the same manner as any other ordinance of general and permanent operation.
- Rule 15. The rules of the council may be temporarily suspended by a vote of two-thirds of the members present.
- Rule 16. The chairman of each respective committee, or the councilmember acting for him or her, shall submit or make all reports to the council when so requested by the presiding officer or any member of the council.
- Rule 17. All ordinances, resolutions or propositions submitted to the council which require the expenditure of money shall lie over until the next meeting; provided, that such ordinances, resolutions, or propositions may be considered earlier by unanimous consent of the council; and provided further, that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers, or wages of employees of the city.
- Rule 18. The clerk, engineer, attorney and chief of police, and such other officers or employees of the City of Fayette, shall, when requested, attend all meetings of the council and shall remain in the council room for such length of time as the council may direct.
- Rule 19. No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent be obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the vote thereon spread on the minutes.
- Rule 20. All ordinances, adopted by the council, shall begin with the words, "Be It Ordained By The City Council of Fayette."
- Rule 21. An agenda shall be prepared for each regular council meeting by the mayor detailing and listing the persons and matters to come before the council at its next meeting. Anyone, including the mayor and council members, desiring to bring a matter before the council, should have the

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matter placed on the agenda by submitting it to the mayor or his designee on or before noon on the Friday before the meeting. If a matter is not on the agenda, then it shall not be taken up by the council.

(Ord. of 10-4-76, §§ 1, 6—11, 13—19, 21; Ord. No. 1996-16, § 1, 10-7-96; Ord. No. 2004-12, § 1, 11-4-04)

§ 2-7. Robert's Rules of Order adopted.

Robert's Rules of Order is hereby adopted as the rules of procedure for this council in those situations which cannot be resolved by the rules set out in this article.

(Ord. No. 1996-16, § 1, 10-7-96)

ARTICLE II - MAYOR

[§ 2-8 Mayor In General.](#)

[§ 2-9 Mayor - Chief Executive of City.](#)

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§ 2-8 Mayor In General.

The mayor shall be a qualified elector of the city and a resident thereof for a period not less than one (1) year preceding his qualification for office by registering with the city clerk at least thirty (30) days prior to the general municipal elections. The mayor shall serve a four (4) year term commencing on the first Monday in October following said elections or until such time as a successor is duly elected and installed in office. Upon his absence from the city for three (3) consecutive months without the consent of the council, the mayor may be required to vacate his office. (Cross reference - for election, see: this Code, chap. 6, Elections.)

§ 2-9 Mayor - Chief Executive of City.

The mayor is the chief executive of the City of Fayette, Alabama. (For general powers and duties of the mayor, see: Code of Alabama, tit. 37, chap. 8, art. 5.)

§ 2-10 Mayor - Represent City.

The mayor shall, unless otherwise provided, sign for and in the name of the city, all contracts, deeds and agreements of the city. He shall execute all bonds required in judicial proceedings for and on behalf of the city.

(Code of Fayette, 1919, § 46.)

§ 2-11 Mayor - Authority.

The mayor shall have such other powers and perform such other duties in addition to the foregoing, as provided in the Code of Alabama, as amended, and as provided by the council from time to time.

(Code of Fayette, 1919, § 47.)

§ 2-12 Mayor - Duties.

It shall be the duty of the mayor to suppress all affrays, riots and unlawful assemblies, and all lewd, indecent and disorderly conduct within the city. (Code of Fayette, 1919, § 35; for powers of the mayor in emergency, see: this Code, chap. 5, Parades and Demonstrations.)

§ 2-13. Approve bonds of officers.

The mayor shall administer oaths to, and approve the bonds of, all officers from whom oaths and bonds are required.

(Code of Fayette, 1919, § 44)

§ 2-14. Authority to appoint, remove employees.

The mayor may appoint and hire, and remove and fire all employees of the city whose appointment, hiring or election is not otherwise provided for.

(Code of Fayette, 1919, § 43; Ord. No. 2000-13, 1, 9-18-00)

Sec. 2-14.1. Authority to appoint and remove certain employees upon obtaining consent of the council.

The mayor must obtain the consent of a majority of the council before appointing and hiring and removing and firing the following employees of the City of Fayette:

- (1) Chief of the fire department;
- (2) Street and sanitation superintendent;
- (3) Superintendent of waste water treatment;
- (4) Superintendent of the city shop;
- (5) City electrician;
- (6) City engineer;
- (7) All police officers; and
- (8) All firemen.

Said consent shall be given in the form of a motion, duly seconded and adopted.

(Ord. No. 2000-13, § 2, 9-18-00)

§ 2-15. Preside at meetings of council.

The mayor, when present, shall preside at all meetings of the council, and shall preserve order and see that the business of the council is attended to in an orderly manner.

(Code of Fayette, 1919, § 45)

§ 2-16. Salary.

The salary for the mayor of the city, for the term commencing October 2, 2000, for the performance of his duties as mayor, is hereby fixed and established at the sum of forty-two thousand dollars (\$42,000.00) per annum, payable in equal monthly installments. This is a full-time position.

(Ord. of 1-12-72, § 1, Ord. No. 1991-9, § 1, 12-2-91; Ord. No. 1996-01, § 1, 2-19-96; Ord. No. 2000-01, § 1, 2-7-00)

ARTICLE III. CITY COUNCIL

[§ 2-17. Member of council.](#)

[§ 2-18. Composition.](#)

[§ 2-19. Regular meetings.](#)

[§ 2-20. Special meetings.](#)

[§ 2-21. Presiding officer at meetings.](#)

[§ 2-22. Vacancy.](#)

[§ 2-23. Election of officers.](#)

[§ 2-24. Removal of officers.](#)

[§ 2-25. Exclusion in voting.](#)

[§ 2-26. City council, officers—Disinterest in municipal contracts.](#)

[§ 2-27. Salary.](#)

[§ 2-27.1. \[Approval for city employment.\]](#)

§ 2-17. Member of council.

A member of the council shall be a qualified elector of the city at the time of qualification for election by registering with the city clerk at least thirty (30) days prior to the general municipal elections and shall be elected from the city at large.

Cross reference— Election to council, Ch. 6.

State law reference— Duties and powers of the city council, Code of Alabama, Tit. 37, Ch. 8, Art. 4.

§ 2-18. Composition.

The mayor and five (5) aldermen shall constitute the city council. A majority of the city council, including the mayor, shall constitute a quorum for the transaction of business; but less number, when a quorum is not present, may adjourn a meeting to another day.

(Code of Fayette, 1919, § 10)

§ 2-19. Regular meetings.

Regular meetings of the council shall be held on the following dates: The first and third Thursdays of each month, at an hour to be determined by the council.

(Ord. of 10-17-78, § 2)

§ 2-20. Special meetings.

Special meetings of the council may be held at any time on the call of the mayor. It shall be the duty of the mayor to call special meetings of the council, at any time, upon the written application of two (2) aldermen; and, upon the failure of the mayor to call a special meeting when so requested, two (2) aldermen shall have the right to call such special meeting.

(Code of Fayette, 1919, § 12)

§ 2-21. Presiding officer at meetings.

The mayor shall vote with and preside over the deliberations of the council. In the absence of the mayor, the members of the council present shall elect a temporary chairman to preside over such meeting. Such temporary chairman, when so presiding, shall have all the powers and perform all the duties of the mayor at such meeting.

(Code of Fayette, 1919, § 13)

§ 2-22. Vacancy.

When a vacancy occurs in the city council, the remaining members shall elect a person to fill such vacancy by a majority vote of such remaining members, such vote to be recorded on the minutes of the council.

(Code of Fayette, 1919, § 14)

§ 2-23. Election of officers.

The council shall, at its first regular meeting after each election, or as soon thereafter as practicable, elect a chief of police, a city clerk, a city treasurer, and a city attorney. The council shall fill any vacancies that may occur in such offices from time to time.

(Code of Fayette, 1919, § 15; Ord. No. 1992-05, § 1, 8-3-92; Ord. No. 2000-13, § 3, 9-18-00)

§ 2-24. Removal of officers.

The council may remove any of such officers so elected by it at any time for cause upon a majority of the council voting for such removal.

(Code of Fayette, 1919, § 16)

§ 2-25. Exclusion in voting.

No member of the council shall vote on any question in which he, or his employer, or employee, has a special financial interest at the time of voting, or was so interested at the time of his election.

(Code of Fayette, 1919, § 23)

§ 2-26. City council, officers—Disinterest in municipal contracts.

No member of the council, or other officer of the city, shall, during the time for which he has been elected, be directly or indirectly interested in any work, business or contract, the expenses, price of consideration of which is paid from the city treasury; nor shall any officer of the city be surety for any person having a contract, work or business for the city, for the performance of which a surety is required.

(Code of Fayette, 1919, § 24)

State law reference— Similar provisions, Code of Alabama, Tit. 37, §§ 416, 452.

§ 2-27. Salary.

The salary of the members of the city council of the city, for the term commencing October 2, 2000, for the performance of their duties as councilmen is hereby fixed and established at the sum of seven thousand two hundred dollars (\$7,200.00) per annum, payable in equal monthly installments.

(Ord. No. 1991-9, § 2, 12-2-91; Ord. No. 1996-01, § 2, 2-19-96; Ord. No. 2000-01, § 2, 2-7-00)

§ 2-27.1. [Approval for city employment.]

The City of Fayette shall not hire or employ any persons, fill any vacant position or create any new paid position within the government of the City of Fayette without approval of the city council in a regular meeting in the form of an official recorded vote.

(Ord. No. 2011-02, § 1, 2-22-11)

ARTICLE IV. OFFICERS

[DIVISION 1. - OFFICERS OF THE CITY](#)

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DIVISION 1. OFFICERS OF THE CITY

[§ 2-28. Officers—Term of office.](#)

[§ 2-29. Reserved.](#)

[§ 2-30. Other officers to be elected.](#)

[§ 2-31. Officers—File statement of collections with clerk.](#)

§ 2-28. Officers—Term of office.

The officers of the city, in addition to the council, shall be as follows: a city clerk, a city treasurer, a chief of police and a city attorney, whose terms of office shall begin immediately upon their election at the first regular meeting of the council after each election for mayor and aldermen.

(Code of Fayette, 1919, § 31)

§ 2-29. Reserved.

Editor's note—

Ord. No. 1994-08, § 1, adopted September 6, 1994 repealed [§ 2-29](#) in its entirety. Former [§ 2-29](#) pertained to officers of the city being residents and qualified electors of the city and derived from the 1919 Code, § 32.

§ 2-30. Other officers to be elected.

The council may also elect such other officers as it may deem necessary for the good of the city. Said officers shall perform such duties as may be required of them by the council, and shall receive such compensation as may be fixed by the council.

(Code of Fayette, 1919, § 33)

§ 2-31. Officers—File statement of collections with clerk.

Every officer, collecting any money for the city, shall file, on the first day of every month in the office of the city clerk, a sworn statement showing the amount collected, for what purposes, from what source collected and the date when the same is paid to the treasurer, and all such reports shall be filed by the clerk.

(Code of Fayette, 1919, § 57)

DIVISION 2. CITY CLERK—TREASURER

[§ 2-32. City clerk—Election.](#)

[§ 2-33 City Clerk - Duties](#)

[§ 2-34 City Clerk - Record Ordinances](#)

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[§ 2-37 City Clerk - Custodian of Records and Seal](#)

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[§ 2-39 City Clerk - Bond and Salary](#)

[§ 2-40 Treasurer - Election](#)

[§ 2-41 Treasurer - Duties](#)

[§ 2-42 Treasurer - Payment of Warrants](#)

[§ 2-43 Treasurer - Reports to Council](#)

[§ 2-44 Books Open to Inspection](#)

§ 2-32. City clerk—Election.

The mayor and council shall elect one officer, who shall be designated city clerk, who shall hold office for a term not to exceed the term of the mayor.

(Code of Fayette, 1919, § 49)

§ 2-33 City Clerk - Duties

It shall be the duty of the city clerk to attend all the meetings of the council and, at each meeting, to enter in a well-bound book all the proceedings of the council at such meetings, which book shall be called and labeled, "The Minute Book of the Mayor and Councilmen," and shall, at all reasonable times, be open for inspection. (Code of Fayette, 1919, § 50; for duties of city clerk in general, see: Code of Alabama, tit. 37, § 421, et. seq.)

§ 2-34 City Clerk - Record Ordinances

When any ordinance shall be adopted by the council, the city clerk shall put the appropriate number on it, and shall record it at length in the minute book, and shall preserve the original on file in his office. (Code of Fayette, 1919, § 51; for state law, see: Code of Alabama, tit. 37, § 462.)

§ 2-35 City Clerk - Publication of Ordinances

The city clerk shall, under the supervision of the mayor, have all the public ordinances published as herein directed, and for that purpose he shall, immediately after the final passage of the same, post the same at the mayor's office and the post office and one (1) other public place and, when requested to do so by the mayor, furnish the printer with a copy of every such ordinance.

(Code of Fayette, 1919, § 52.)

§ 2-36 City Clerk - Keep Records

The city clerk shall keep the minute books and all other records of the city under his charge, accurately and properly indexed.

(Code of Fayette, 1919, § 54.)

§ 2-37 City Clerk - Custodian of Records and Seal

The city clerk shall be the custodian of all the books, papers and records of the city. He shall also be custodian of the seal, which shall be affixed and attested by him to all contracts, in writing, with or by the city and to all bonds, deeds or conveyances of any character.

(Code of Fayette, 1919, § 56.)

§ 2-38 City Clerk - Furnish Certified Copies

The clerk shall be required to furnish certified copies of the minutes to any person applying therefor upon the payment of the fees that are due.

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(Code of Fayette, 1919, § 58.)

§ 2-39 City Clerk - Bond and Salary

The clerk shall give bond and shall receive an annual salary to be established by the city council, payable in weekly installments.

(Code of Fayette, 1919, § 57.)

§ 2-40 Treasurer - Election

The mayor and council shall elect one officer who shall be designated as city treasurer, who shall hold office for a term not to exceed the term of the mayor. This office may be combined with the office of city clerk. (Code of Fayette, 1919, § 79; for city treasurer in general, see: Code of Alabama, tit. 37, § 446-449.)

§ 2-41 Treasurer - Duties

The treasurer shall receive from the officers, employees and agents of the city all the money belonging to the city received by them, giving in all cases a receipt therefor, which shall set out the amount paid and from what source it is derived and to what account it shall be credited.

(Code of Fayette, 1919, § 81.)

§ 2-42 Treasurer - Payment of Warrants

Upon the production to the treasurer of the certificate or warrant issued by an order of the council, and in this way alone, the treasurer shall pay the amount of such certificate or warrant to the order of the person to whom issued out of any money in the treasury not otherwise appropriated.

(Code of Fayette, 1919, § 82.)

§ 2-43 Treasurer - Reports to Council

The city treasurer shall keep a regular account with the city. In this, he shall charge himself with all the money paid to him, stating by whom and where paid and he shall credit himself by the amount of all the certificates or warrants above described which he may have paid, giving the number of such certificate or warrant.

He shall, once in each month, balance such accounts, and furnish the council, at the first meeting in every month, with a copy of the accounts, showing how much money there is in the treasury, and with the vouchers for the credits claimed by him.

At the end of each fiscal year, he shall make a report of the year's business and transactions.

(Code of Fayette, 1919, § 83.)

§ 2-44 Books Open to Inspection

The books of the city treasurer shall, at all times, be open to the inspection of the mayor and members of the council, or any person appointed to examine the same, and the treasurer shall make such additional reports at such times as the council may designate.

(Code of Fayette, 1919, § 84.)

Division 3 - City Attorney

[§ 2-45 City Attorney - Duties](#)

[§ 2-46 City Attorney - Compensation](#)

§ 2-45 City Attorney - Duties

It shall be the duty of the city attorney to prosecute all violations of the laws and ordinances of the city, attend the meetings of the council when requested by the mayor and give his opinion in writing on any question relating to the business or government of the city, when requested by the mayor to do so. He shall also attend all trials in the recorder's court, when requested by the mayor to do so; and he shall perform such other duties as may be required of him by law or ordinance, from time to time.

(Code of Fayette, 1919, § 77.)

§ 2-46 City Attorney - Compensation

For his services as such, the city attorney shall receive such compensation as determined and established by the city council.

(Code of Fayette, 1919, § 78.)

ARTICLE V - COMMITTEES, COMMISSIONS, BOARDS AND AUTHORITIES

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[Division 2 - - City Planning Commission](#)

[Division 3 - - West Alabama Planning and Development Council](#)

[DIVISION 4. - RESERVED](#)

[DIVISION 5. - FAYETTE COUNTY COMMUNITY ACTION COMMITTEE](#)

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[DIVISION 9. - MUNICIPAL HOUSING CODE ABATEMENT BOARD](#)

[DIVISION 10. - CITY TREE BOARD](#)

[DIVISION 11. - HISTORIC PRESERVATION COMMISSION](#)

Division 1 - In General

[§ 2-47 Standing Committees](#)

[§ 2-48 Other Committees](#)

§ 2-47 Standing Committees

At the first regular meeting of the council after each election, the mayor shall appoint such standing committees as he deems necessary. Each of such committees shall be composed of two (2) members of the council, and the mayor shall be ex officio chairman of each committee.

(Code of Fayette, 1919, § 26.)

§ 2-48 Other Committees

The mayor may appoint such other committees, from time to time, as may be necessary to perform such duties as may be required of them by the council.

(Code of Fayette, 1919, § 30.)

Division 2 - City Planning Commission

[§ 2-49 Planning Commission - Creation, Composition, Terms of Office](#)

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[§ 2-52 Planning Commission - Authority of Mayor and Council](#)

§ 2-49 Planning Commission - Creation, Composition, Terms of Office

There is hereby created a planning commission for the City of Fayette, Alabama, to consist of nine (9) members, two (2) of whom shall be a registered real estate broker and/or building contractor, to be appointed for the terms and in the manner set forth by state law.

(Ord. of Aug. 5, 1957, § 1; for state law regarding a municipal planning commission, see: Code of Alabama, § 11-52-1.)

§ 2-50 Planning Commission - Powers and Duties

The planning commission is authorized and empowered to make and adopt a master plan for the physical development of the City of Fayette, Alabama, including any areas outside its boundaries which, in the commission's judgment, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of said territory, including among other things the general location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces; the general location of public buildings and other public property and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; as well as a zoning plan for the control of the height, area, bulk, location and use of the buildings and premises.

(Ord. of Aug. 5, 1957, § 2.)

§ 2-51 Planning Commission - Publication of Parts of Plan

As the work of making the whole master plan progresses, the planning commission may, from time to time, adopt and publish a part or parts thereof, any such part to cover one (1) or more major sections or divisions of the municipality, or one (1) or more of the aforesaid or other functional matters to be included in the said plan. The commission is hereby authorized and empowered to exercise all powers and do all things, authorized to such commission by law, as it may deem necessary for its work. The commission is also authorized and empowered to exercise all powers and to do all things, authorized to such commission by law, with reference to subdivision of unimproved property within five (5) miles of the corporate limits of the City of Fayette, Alabama.

(Ord. of Aug. 5, 1957, § 2.)

§ 2-52 Planning Commission - Authority of Mayor and Council

The mayor and city council of Fayette, Alabama, are hereby authorized to make all appointments and exercise all authority as granted by state law.

(Ord. of Aug. 5, 1957, § 3.)

Division 3 - West Alabama Planning and Development Council

[§ 2-53 West Alabama Planning and Development Council Established](#)

[§ 2-54 Membership in Council](#)

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§ 2-53 West Alabama Planning and Development Council Established

Acting jointly with other governments of the urban area, there is hereby created and established the West Alabama Planning and Development Council, hereafter called the "Council."

(Res. of Dec. 17, 1973, § 1.)

§ 2-54 Membership in Council

Membership in the West Alabama Planning and Development Council is open to each unit of local government within the territorial limits of the urban area and to such additional areas as the Council may add.

"Unit of local government" shall mean any public corporation or entity designated as a unit of government in the most recent census of governments by the U.S. Bureau of the Census.

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(Res. of Dec. 17, 1973, § 2.)

§ 2-55 Representation on Council

- a. Membership and representation shall be as determined in the by-laws of the Council. Each representative shall be an elected official of a local government.
- b. Any government, which has become a member of the Council, may withdraw upon sixty (60) day's notice subsequent to formal action by its governing body.

(Res. of Dec. 17, 1973, §§ 3 and 4.)

§ 2-56 Purpose and Functions of Council

The purpose and functions of the Council with respect to its area shall be to:

- a. Carry on a continuing program of comprehensive planning that supplements and coordinates but does not duplicate the programs of the member units;
- b. Study such area governmental programs common to two (2) or more members as is deemed appropriate, including but not limited to matters affecting health, safety, welfare, education, economic conditions and regional development;
- c. Promote cooperative arrangements and coordinate action among members;
- d. Make recommendations for review and action to the members and other public agencies that perform functions within the region; and
- e. Serve as a clearing house, for the benefit of members and other interested parties, of information concerning their common problems, and concerning state and federal services available to assist in the solution of various problems in this area.

(Res. of Dec. 17, 1973, § 5.)

§ 2-57 Powers of the Council

The Council may, by appropriate action of the governing bodies of member governments, exercise such other powers as are exercised or capable of exercise by the member governments, and necessary or desirable for dealing with problems of mutual concern. In addition:

- a. The Council may discuss questions or any matters within the scope of its stated purpose, and make recommendations for action to the governmental units involved in any such question or matter.
- b. Members and non-members, governmental units and/or quasi-government agencies, or citizens of the City of Fayette, may bring matters involving inter-governmental cooperation to the attention of the Council for discussion and possible recommendation.
- c. The West Alabama Planning and Development Council may request any governmental unit or agency, federal, state, or local, to act upon its recommendations if such is deemed to be in the interest of the Council and/or its member units.
- d. The Council may promote agreements between member or non-member governmental units which are deemed appropriate to further understanding of any matters or problems under consideration by the Council.
- e. The Council may initiate and/or request studies deemed necessary to further understanding of any matters or problems under consideration by the Council.

(Res. of Dec. 17, 1973, § 7.)

§ 2-58 Council - Budget and Funding

- a. The Council may accept and expend funds, grants, gifts, and/or services from the government of the United States, or its agencies; from the State of Alabama or its departments and agencies; from agencies or instrumentalities of any governmental unit whether participating in the Council or not; and from other civic sources or private sources.
- b. The Council may establish an operating budget to meet expenses of approved programs. Any such budget shall be authorized by each member unit and necessary contributions shall be borne by the member units in proportionate shares as determined by the Council.

(Res. of Dec. 17, 1973, § 7.)

§ 2-59 Governing Body of Council

- a. The Council may adopt by-laws designating officers of the Council, providing for the conduct of business, the manner and method of securing local funds that may be necessary and the manner and method by which voting on projects by the Council shall be determined. Such by-laws, after adoption by the Council, shall be ratified by the legislative body of each unit of local government.
- b. The Council may establish or designate any such committees or advisory groups it deems necessary to assist in carrying out its purpose and functions. The Council shall authorize and define the powers and duties of all committees and advisory groups so established. The Council shall designate the membership of such committee or advisory groups and shall appoint a chairman of these groups and other personnel deemed necessary. Recommendations and other actions of committees or advisory groups will be heard by the Council, but such recommendations and other actions are not binding on the Council unless so adopted.

(Res. of Dec. 17, 1973, § 8.)

§ 2-60 Council - Office, Staff, Minutes, Reports and Voting

- a. The Council may establish an office, appoint an executive director and employ staff and/or consultants and retain such as it deems necessary.
- b. The Council shall keep accurate minutes of its proceedings and shall make periodic reports concerning its activities to member units and other interested parties.
- c. Voting and voting procedures shall be as determined in the by-laws of the Council. Decisions of the Council which involve specific recommendations for agreement for cooperative endeavors between two (2) or more participating members shall require an affirmative vote of those participating members.

(Res. of 12-17-73, §§ 9—11)

§ 2-61. Council—Organization.

The council shall meet at regular sessions or at the call of the chairman, as deemed appropriate. In addition:

- (a) The council shall elect a chairman from its membership, and such other officers as it deems necessary, all to serve for periods of time as specified in the by-laws.
- (b) The council may create an executive committee from within its membership, or otherwise organize itself as is deemed appropriate.
- (c) The council shall establish an agenda to be followed at meetings, if such agenda is deemed necessary by the council.

- (d) Notice of meetings, regular or special, together with the agenda, if available, shall be furnished members and other interested parties approximately ten (10) days prior to such meeting.
- (e) The council may adopt further rules and procedures through the enactment of by-laws as it deems necessary.

(Res. of 12-17-73, § 12)

§ 2-62. Amendments to resolutions.

Amendments to this resolution shall be made effective by an affirmative vote of at least three-fourths ($\frac{3}{4}$) of the members. Any amendment shall be submitted in writing to each member at least thirty (30) days prior to the meeting at which such amendment is to be voted upon.

(Res. of 12-17-73, § 13)

DIVISION 4. RESERVED ^[1]

[§§ 2-63—2-66.1. Reserved.](#)

§§ 2-63—2-66.1. Reserved.

FOOTNOTE(S):

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Editor's note— Ord. No. 2011-03, §§ 1—6, adopted April 28, 2011, repealed division 4, which pertained to park and recreation board and derived from Res. of 6-20-55, §§ 2—5; and Res. No. 1993-18, § 6, 9-8-93. [\(Back\)](#)

DIVISION 5. FAYETTE COUNTY COMMUNITY ACTION COMMITTEE

[§ 2-67. Designation and authority.](#)

[§ 2-68. Purpose.](#)

[§ 2-69. Sources of assistance available.](#)

§ 2-67. Designation and authority.

The Fayette County Community Action Committee is hereby designated and authorized to undertake a community action program designed to eliminate poverty and the causes of poverty in Fayette, Alabama.

(Res. of 3-15-65, § 1)

§ 2-68. Purpose.

The Fayette County Community Action Committee is hereby authorized to help mobilize and utilize resources, both public and private, in a concerted attack on poverty and the causes of poverty existing in Fayette, Alabama.

(Res. of 3-15-65, § 2)

§ 2-69. Sources of assistance available.

The Fayette County Community Action Committee is authorized and directed to seek assistance from sources outside the City of Fayette, Alabama, to assist in the accomplishment of the aforesaid community action program.

(Res. of 3-15-65, § 3)

DIVISION 6. FAYETTE ART-MUSEUM BOARD

[§ 2-70. Established.](#)

[§ 2-71. Composition.](#)

[§ 2-72. Responsibility and powers.](#)

[§ 2-73. Control of facilities.](#)

[§ 2-74. Other powers.](#)

§ 2-70. Established.

The city council hereby finds and declares that it is wise, expedient, necessary and to the best interests of the citizens of the City of Fayette, Alabama, that an art and museum board be created and formed, and does hereby establish and create such a board.

(Res. of 9-15-69, § 1)

§ 2-71. Composition.

- (a) The board created shall be called the Fayette Art-Museum Board and shall be composed of eleven (11) members who shall be residents of Fayette County, Alabama. The board of directors shall be elected by the governing body of the municipality and shall be so elected that they shall hold office for staggered terms.
- (b) The number of directors shall be divided into four (4) groups, three (3) of which shall have three (3) members each and one (1) group having two (2) members. [Original length of terms shall be as provided in Resolution No. 1993-17.] Thereafter, the terms of all directors shall be three (3) years, provided that if at the expiration of any term of office of any director a successor shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected.
- (c) The directors shall serve without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties.
- (d) The board shall elect a chairman, vice-chairman, secretary and treasurer and such other officers as the board shall deem necessary or appropriate. The offices of secretary and treasurer may, but need not, be held by the same person. The chairman and vice-chairman shall be elected by the board

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from the membership thereof; the secretary, the treasurer and any other officers, elected by the board may, but need not, be members of the board.

(Res. of Feb. 2, 1976, § 2; Res. No. 1993-17, § 1, 9-8-93)

§ 2-72. Responsibility and powers.

The Fayette Art-Museum Board, hereby created, shall be responsible for and shall have the power to acquire sites for, construct or otherwise acquire, establish and maintain public cultural facilities consisting of museums, art galleries, art centers, music halls and related facilities all to the end of making cultural facilities available to the public whether separately or grouped two (2) or more in the same building.

(Res. of 9-15-69, § 4)

§ 2-73. Control of facilities.

The Fayette Art-Museum Board shall have control over all lands, buildings, equipment and facilities assigned for cultural purposes to the board by the municipal governing body, or purchased or leased by it from funds provided by the governing body of the City of Fayette, Alabama.

(Res. of 9-15-69, § 5)

§ 2-74. Other powers.

The board, hereby created, shall have all other powers granted to it by law.

(Res. of 9-15-69, § 6)

State law reference— Authority to establish art and museum board, Act No. 451, General Laws of Alabama.

Division 7 - Special Committees; Housing Authority

[§ 2-75 Citizens' Advisory Committee Established](#)

[§ 2-76 Special Committee on Minority Group Housing Problems Established](#)

[§ 2-77 Housing Authority](#)

§ 2-75 Citizens' Advisory Committee Established

The mayor is hereby authorized and empowered to appoint a committee designated as the "Citizens' Advisory Committee" which shall consist of nine (9) members.

(Res. of Oct. 16, 1961, § 1.)

§ 2-76 Special Committee on Minority Group Housing Problems Established

The mayor is authorized and empowered to appoint a sub-committee to be called the "Special Committee on Minority Group Housing Problems" which shall consist of five (5) members.

(Res. of Oct. 16, 1961, § 2.)

§ 2-77 Housing Authority

The Housing Authority of the City of Fayette, Alabama, is hereby designated as the agency to find suitable housing for families displaced through any governmental action of the city. (Res, of Oct. 16, 1961, § 4.)

Division 8 - Industrial Development Board

[§ 2-77.1 Purchase of City/County Property](#)

[§ 2-77.2. City conveys property to board.](#)

§ 2-77.1 Purchase of City/County Property

The council hereby finds and declares that the following facts are true and correct:

- a. The city and Fayette County (herein called "the County") have heretofore determined to acquire certain real property located in Fayette County, Alabama, and within twenty-five (25) miles of the corporate limits of the city, which real property is suitable for industrial purposes;
- b. Pursuant to said determination, the city and the county have acquired as tenants in common the said real property for the purpose of transferring from time to time title to the said real property to one or more persons, firms or corporations for use for industrial or commercial purposes;
- c. The city and the county have determined that the acquisition of said real property will enable the city and the county to induce industries to locate in the state and in the county, thereby furthering the economic growth of the state, the county and the city;
- d. The Industrial Development Board of the City of Fayette (herein called "the Board") has heretofore entered into an agreement with National Gypsum Company pursuant to which the Board has agreed to acquire real property in the county and to construct thereon a manufacturing plant and to install therein certain items of machinery and equipment, all for lease to National Gypsum Company or its wholly-owned subsidiary, American Olean Tile Company, Inc. The Board now desires to purchase a portion of the said real property from the city and the county and to construct thereon the said manufacturing plant.
- e. The city and the county have caused an appraisal to be made of that portion of the real property to be purchased by the Board and copies of the said appraisal have been filed with the city and the county, The full purchase price to be paid by the Board to the city and county for the said real property is \$150,000.00, which purchase price is in excess of the price paid by the city and the county for the said portion of the real property to be purchased by the Board and said purchase price to be paid by the Board is in excess of the appraised value of said property as stated in the aforesaid appraisal; and
- f. The council hereby specifically finds and declares that the said real property hereinafter authorized to be conveyed to the Board was acquired for the sole purpose of transferring the said real property to one or more persons, firms or corporations for use for the industrial or commercial purposes; the said real property hereinafter authorized to be conveyed to the Board is not now and has not at any time been needed by the city for public or municipal purposes; and that the conveyance of the said real property to the board will fulfill the purpose for which the said real property was acquired.

(Ord. of 1-15-79, § 1)

§ 2-77.2. City conveys property to board.

The mayor of the city is, upon payment to the city of the sum of seventy-five thousand dollars (\$75,000.00), for its undivided one-half (½) interest, is hereby authorized and directed to execute and deliver, for and in the name of the city, a deed, and the city clerk is hereby authorized and directed to affix the seal of the city to the said deed and to attest the same.

(Ord. of 1-15-79, § 2)

DIVISION 9. MUNICIPAL HOUSING CODE ABATEMENT BOARD ^[2]

[§ 2-77.5. Created.](#)

[§ 2-77.6. Composition.](#)

[§ 2-77.7. Power to give notice.](#)

[§ 2-77.8. Request for hearing; determination; action; appeals.](#)

[§ 2-77.9. Demolition, removal costs; assessment.](#)

§ 2-77.5. Created.

Pursuant to § 11-53A-1, et seq., Code of Alabama 1975, there is hereby created a Municipal Housing Code Abatement Board for the City of Fayette, Alabama, and it is hereby vested with the authority and power granted to it by this ordinance and the laws of the State of Alabama.

(Ord. No. 1996-08, § I, 7-1-96)

§ 2-77.6. Composition.

The board shall consist of five (5) members. Each councilman shall appoint one (1) member from his or her district who is a resident and elector of said district to serve on the board for the term of the city council for two (2) consecutive terms in office.

(Ord. No. 1996-08, § II, 7-1-96)

§ 2-77.7. Power to give notice.

Whenever the board finds that any building, structure, part of a building or structure, party wall, or foundation situated in the city is unsafe to the extent that it creates a public nuisance from any cause, it shall give notice to the person or persons, firm, association, or corporation last assessed for state ad valorem taxes by personally serving a copy of the notice to remedy the unsafe or dangerous condition of the building or structure, or to demolish the building or structure, within a reasonable time set out in the notice to the person or legal entity to whom the property was assessed for ad valorem taxes, not more than sixty (60) days following the notice. If the unsafe condition is not remedied within sixty (60) days, the building or structure shall be demolished and removed by the city and the costs shall be assessed against the property. In the event that the personal service is returned "Not Found" after not less than two (2) attempts, the notice may be given by registered or certified mail. The mailing of the notice by registered mail, properly addressed and postage prepaid to the address where the notice for ad valorem taxes for the last year was mailed, shall constitute notice as required by this section. Prior to the delivery or mailing, the notice or a copy of the notice shall also be posted at or within three (3) feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location upon the building or structure.

(Ord. No. 1996-08, § III, 7-1-96)

§ 2-77.8. Request for hearing; determination; action; appeals.

- (a) Within the time specified in the notice, but not more than sixty (60) days from the date notice is given, any person, firm or corporation having an interest in the building or structure may file a written request for a hearing before the city council, together with any objection to the finding by the board that the building or structure is unsafe to the extent of creating a public nuisance. The filing of the request shall delay any action on the finding of the board until a determination is made. A hearing shall be held not less than ten (10) nor more than sixty (60) days after the request. At the hearing, or in the event no hearing is timely requested, after the expiration of sixty (60) days from the date the notice is given, the city council shall determine whether or not the building or structure is unsafe to the extent that it creates a public nuisance. Notice of the meeting of the city council, and that a determination will be made at the meeting, shall be published one time in a newspaper of general circulation in the city, not less than ten (10) days prior thereto. If a building or structure is determined to be unsafe to the extent that it creates a public nuisance, the city council shall order the building or structure to be demolished and removed thirty (30) days following the determination. The city may actually perform, or contract for the performance of the demolition and removal of the building or structure, and may sell or otherwise dispose of salvaged materials resulting from the demolition and removal.
- (b) Any person aggrieved by the decision of the city council at the hearing may, within thirty (30) days thereafter, appeal to the Circuit Court of Fayette County, Alabama, upon filing with the clerk of the court notice of the appeal and bond for security of costs in the form and amount approved by the circuit clerk. Upon filing the notice and bond, the circuit clerk shall serve a copy of the notice of appeal on the city clerk. The appeal shall be docketed in the court as a preferred case. The city clerk shall, upon receiving the notice, file with the circuit clerk a copy of the findings and determination of the city council. A trial shall then be held without a jury upon the determination of the city council.

(Ord. No. 1996-08, § IV, 7-1-96)

§ 2-77.9. Demolition, removal costs; assessment.

- (a) Upon demolition and removal of a building or structure, the board shall make a report to the city council of the cost. The city council shall adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and removal and assess the costs against the property. The proceeds of any monies received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition and removal. Any person, firm or corporation having an interest in the property may be heard at the meeting concerning any objection he or she may have to the fixing of the cost. The city clerk shall give not less than fifteen (15) day's notice of the meeting at which the fixing of the costs are to be considered by publication in a newspaper of general circulation in the city. The fixing of costs by the city council shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except prior recorded mortgages and other prior recorded security interests and liens for taxes, and shall continue in force until paid. The city clerk shall mail a certified copy of the resolution by registered or certified mail to the person last assessed for ad valorem taxes, and a certified copy of the resolution shall be published in the manner and as prescribed for the publication of municipal ordinances. A certified copy of the resolution shall also be filed in the office of the judge of probate of Fayette County, Alabama.
- (b) The city shall have the power to assess the costs authorized herein against any lot, lots, parcel or parcels of land purchased by the state at any sale for the nonpayment of taxes. A subsequent redemption of the property by any person authorized to redeem, or a subsequent sale of the property by the state, shall not operate to discharge, or in any manner affect the lien of the city for the assessment. Any redeemer or purchaser shall take the property subject to the assessment.

- (c) Payment of the assessment, or if delinquent, the collection of the assessment, shall be made in the same manner as is provided for the payment and delinquent collection of municipal improvement assessments pursuant to Article 1 (commencing with Section 11-48-1) of [Chapter 2](#) of Title 11, Code of Alabama 1975.

(Ord. No. 1996-08, §§ V, VI, 7-1-96)

FOOTNOTE(S):

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Editor's note— Ord. No. 1996-08, §§ I—VI, adopted July 1, 1996, did not specifically amend of the Code; hence, inclusion as Art. V, Div. 9, §§ 2-77.5—2-77.9, was at the discretion of the editor. ([Back](#))

DIVISION 10. CITY TREE BOARD

[§ 2-77.10. Creation and establishment of a city tree board.](#)

[§ 2-77.11. Term of office.](#)

[§ 2-77.12. Compensation.](#)

[§ 2-77.13. Duties and responsibilities.](#)

[§ 2-77.14. Operation.](#)

[§ 2-77.15. Review by city council.](#)

§ 2-77.10. Creation and establishment of a city tree board.

There is hereby created and established a city tree board for the City of Fayette, Alabama, which shall consist of five (5) members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the city council.

(Ord. No. 1997-16, § 1, 12-1-97)

§ 2-77.11. Term of office.

The term of the five (5) persons to be appointed by the mayor shall be three (3) years except that the term of two (2) of the members appointed to the first board shall be for only one year and the term of two (2) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(Ord. No. 1997-16, § 2, 12-1-97)

§ 2-77.12. Compensation.

Members of the board shall serve without compensation.

(Ord. No. 1997-16, § 3, 12-1-97)

§ 2-77.13. Duties and responsibilities.

It shall be the responsibility of the board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, spacing or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Fayette, Alabama. The board, when requested by the city council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(Ord. No. 1997-16, § 4, 12-1-97)

§ 2-77.14. Operation.

The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Ord. No. 1997-16, § 5, 12-1-97)

§ 2-77.15. Review by city council.

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council who may hear the matter and make final decision.

(Ord. No. 1997-16, § 6, 12-1-97)

DIVISION 11. HISTORIC PRESERVATION COMMISSION

[§ 2-77.16. Purpose.](#)

[§ 2-77.17. Definitions.](#)

[§ 2-77.18. Creation of a historic preservation commission.](#)

[§ 2-77.19. Recommendation and designation of historic districts and properties.](#)

[§ 2-77.20. Application to historic preservation commission for certificate of appropriateness.](#)

[§ 2-77.21. Maintenance of historic properties.](#)

[§ 2-77.22. Building and zoning code provisions.](#)

§ 2-77.16. Purpose.

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Fayette is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; in order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business; in order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and in order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same; the city council of the City of Fayette hereby declares it to be the purpose and intent of this division to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art having a

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special historical, cultural or aesthetic interest or value, in accordance with the provisions of the ordinance.

(Ord. No. 2009-06, § I, 9-8-09)

§ 2-77.17. Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Certificate of appropriateness means a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Certificate of economic hardship means a document evidencing approval of an owner's application for relief from the application of this article as provided in subsection [2-77.20\(p\)](#).

Exterior architectural features means the architectural style, general design and general arrangement of the exterior of a building or other structure, including, but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features means all those aspects of the landscape or the development of a site which affect the historical character of the property.

Historic district means a geographically definable area designated by the city council as a historic district.

Historic property means an individual building, structure, site, object or work of art including the adjacent area necessary for the proper appreciation thereof designated by the city council as a historic property.

Material change in appearance means a change that will effect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, landscape feature or work of art within a historic district, such as:

- (1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- (2) Demolition or relocation of a historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location or advertising visible from the public right-of-way; or
- (5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features.

(Ord. No. 2009-06, § II, 9-8-09)

§ 2-77.18. Creation of a historic preservation commission.

- (a) *Creation of the commission.* There is hereby created a commission whose title shall be "City of Fayette Historic Preservation Commission" (hereinafter "commission").
- (b) *Commission members: number, appointment, terms, compensation and rules and standards.*
 - (1) The commission shall consist of seven (7) members appointed by the mayor and ratified by the city council. To the extent possible, all members shall be residents of the City of Fayette and shall be persons who have demonstrated training or experience in history, architecture, architectural history, American studies, cultural geography, cultural anthropology, planning,

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archaeology, law, or other related historic preservation field or who shall be residents of a historic district.

- (2) Members shall serve three-year terms. Members may be reappointed. In order to achieve staggered terms, initial appointments shall be: Two (2) members for one (1) year; two (2) members for two (2) years; and three (3) members for three (3) years. Members shall not receive compensation, although they may be reimbursed for expenses incurred on behalf of the commission.
 - (3) Members of the commission may be removed for cause by the city council.
 - (4) Vacancies on the commission shall be filled by persons nominated by the mayor and appointed by the city council. such appointments shall be for the unexpired term of the member replaced.
 - (5) Members of the commission shall elect a chairman and a vice chairman and such other officer as the members deem necessary. The commission shall adopt rules of procedure and bylaws to govern its operations and shall communicate those rules of procedure and bylaws to the city council. The rules of procedure and bylaws of the commission shall specify what number of members of the commission constitutes a quorum.
 - (6) The commission shall have the flexibility to adopt rules and standards without amendment to this division.
- (c) *Commission meetings, minutes and public participation.*
- (1) All meetings of the commission must be publicly announced and be open to the public. Commission meetings must occur at regular intervals. Public notice must be provided prior to any special meetings.
 - (2) Minutes of all decisions and actions of the commission including the reasons for making these decisions must be kept on file and available for public inspection.
 - (3) All decisions of the commission shall be made in a public forum and applicants must be given written notification of the commission's decision.
 - (4) The rules of procedure adopted by the commission must be available for public inspection.
 - (5) During the process of reviewing properties for nomination to the National Register, the commission must provide opportunity for public comments.
- (d) *Statement of the commission's power.* The commission shall be authorized to:
- (1) Prepare and maintain an inventory of all property within the City of Fayette having the potential for designation as an historic property;
 - (2) Recommend to the city council specific places, districts, sites, buildings, structures, or works of art to be designated by ordinance as historic properties or historic districts;
 - (3) Review applications for certificates of appropriateness and grant or deny same in accordance with the provisions of this division;
 - (4) Recommend to the city council that the designation of any place, district, site, building, structure, objects or work of art as a historic property or as a historic district be revoked or removed;
 - (5) Restore and preserve any historic properties acquired by the City of Fayette or acquired by the commission;
 - (6) Promote the acquisition by the City of Fayette of facade easements and conservation easements;
 - (7) Develop and conduct educational programs on historic properties located within the City of Fayette and on general historic preservation activities;

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- (8) Make such investigations and studies of matters relating to historic preservation employment of historic preservation experts the city council or the commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
 - (9) Seek out local, state, federal and private funds for historic preservation, and make recommendations to the city council concerning the most appropriate uses of any funds acquired;
 - (10) Perform historic preservation activities as the official agency of the City of Fayette historic preservation program;
 - (11) Employ persons, if necessary, to carry out the responsibilities of the commission;
 - (12) Receive donations, grants, funds or gifts of historic property;
 - (13) Purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage and insure real and personal property in carrying out the purposes and responsibilities of the commission. The commission shall not obligate the City of Fayette without prior consent;
 - (14) Review and make comments to the Alabama Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;
 - (15) Investigate, survey and process nominations of properties to the National Register of Historic Places;
 - (16) Investigate, survey and process applications for certification of historic properties for tax credits for preservation expenditures;
 - (17) Participate in private, state and federal historic preservation programs and with the consent of the city council, enter into agreements with the same to perform historic preservation related functions.
- (e) *Annual reports of the commission's activities.* The commission shall prepare and file with the city council and with the Alabama Historical Commission, an annual report of its activities as required by the city council and the Alabama Historical Commission. The annual report shall cover the period from October 1 to September 30 and shall be submitted in October of each year. The report shall include such items as the number of cases reviewed, historic district and property designations made, revised resumes of commission members/staff, appointments to the commission, attendance records and all minutes relating to the review of National Register nominations. The report shall document attendance at the orientation/training session as specified in subsections (h) and (i) herein below.
- (f) *Conflict of interest.* At any time the commission reviews a project in which a member of the commission has ownership or other vested interest, that member will be forbidden from presenting, voting or discussing the project, other than answering a direct question.
- (g) *Records of commission meetings.* A public record shall be kept of the commission's resolutions, proceedings and actions.
- (h) *Responsibilities of commission members.* Each commission member and anyone serving the commission in a technical/professional staff capacity is required to attend at least two (2) informational or educational meetings per year pertaining to historic preservation. Such meetings may include those sponsored by the Alabama Historical Commission, Board of Advisors, the National Trust for Historic Preservation or a local preservation organization. One (1) of the two (2) should be a regional or statewide meeting.
- (i) *Liaison between the commission and the state historic preservation office (Alabama Historical Commission).* Should the city council elect to become a certified local government, the city council shall designate a paid member to the city's staff or a person working under contract as a source of technical/administrative/professional assistance to be responsible for the operations of the commission in keeping with the requirements of certification for participation in the certified local government program. At least one (1) member of the commission and/or the person serving as the commission's technical staff, and/or a representative appointed by the mayor who has an ongoing

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relationship with the commission, will attend the Alabama Certified Local Government orientation/training session sponsored by the Alabama Historical Commission each year.

(Ord. No. 2009-06, § III, 9-8-09)

§ 2-77.19. Recommendation and designation of historic districts and properties.

(a) *Preliminary research by commission.*

- (1) *Commission's mandate to conduct a survey of local historical resources:* The commission shall compile and collect information and conduct surveys of historic resources within the City of Fayette.
- (2) *Commission's power to recommend districts and buildings to the city council for designation:* The commission shall present to the city council recommendations for historic districts and properties.
- (3) *Commission's documentation of proposed designation:* Prior to the commission's recommendation of a historic district or historic property to the city council for designation, the commission shall prepare a report consisting of:
 - a. A physical description;
 - b. A statement of the historical, cultural, architectural and/or aesthetic significance;
 - c. A map showing district boundaries and classification (i.e., historic, nonhistoric) of individual properties therein, or showing boundaries of individual historic properties;
 - d. A statement justifying district or individual property boundaries; and
 - e. Representative photographs.

(b) *Designation of a historic district.*

- (1) *Criteria for selection of historic districts:* A historic district is a geographically definable area, which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof, which:
 - a. Represents one (1) or more periods, styles or types of architecture typical of one (1) or more eras in the history of the municipality, county, state or region;
 - b. Represents a significant aspect of the cultural, political, economic, military or social history of the locality, region, state or nation;
 - c. Has had a significant relationship with the life of a historic person or event, representing a major aspect of the history of the locality, region, state or nation;
 - d. Is a part of the historic, architectural, archaeological or aesthetic heritage of the locality, region, state or nation;
 - e. Contains vernacular structures which contribute to an overall character and sense of place which is representative of the City of Fayette.
- (2) *Boundaries of a historic district:* Boundaries of a historic district shall be shown on the official zoning map.
- (3) *Evaluation of properties within historic districts:* Individual properties within historic districts shall be classified as:
 - a. Contributing (contributes to the district);
 - b. Noncontributing (does not contribute to the district).

(c) *Designation of a historic property.*

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1. *Criteria for selection of historic properties:* A historic property is a building, structure, site, object, work of art; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Fayette for one (1) of the following reasons:
 - a. It is an outstanding example of a structure representative of its era;
 - b. It is one (1) of the few remaining examples of past architectural style;
 - c. It is a place or structure associated with an event of persons of historic or cultural significance to the City of Fayette, State of Alabama, or the region;
 - d. It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region; or
 - e. The building or structure is an example of an architectural style, or combination of architectural styles, which is representative of the City of Fayette or which is unique to the City of Fayette.
- (2) *Boundary description:* Boundaries shall be shown on the official zoning map.
- (d) *Requirements for adopting an ordinance for the designation of historic districts and historic properties.*
 - (1) *Application for designation of historic districts or property:* Designations may be proposed by the city council, the commission, or:
 - a. *For historic districts:* A historical society, neighborhood association or group of property owners may apply to the commission for designation.
 - b. *For historic properties:* A historical society, neighborhood association or property owner may apply to the commission for designation.
 - (2) *Required components of a designation ordinance:* Any ordinance designating any property or district as historic shall:
 - a. List each property in a proposed historic district or describe the proposed individual historic property;
 - b. Set forth the name(s) of the owner(s) of the designated property or properties;
 - c. Require that a certificate of appropriateness be obtained from the commission prior to any material change in appearance of the designated property; and
 - d. Require that the property or district be shown on the official zoning map.
 - (3) *Required public hearings:* The commission shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed by the commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing. A notice sent via United States Mail to the last known owner of the property shown on the Fayette County Revenue Commissioner's tax roll and a notice sent via United States Mail to the address of the property to the attention of the occupant under this article.
 - (4) *Recommendations on proposed designations:* A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the commission within fifteen (15) days following the public hearing and shall be in the form of a resolution to the city council.
 - (5) *City council action on commission recommendation:* Following receipt of the commission's recommendation, the city council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

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- (6) *Notification of adoption of ordinance for designation:* Within thirty (30) days following the adoption of the ordinance for designation by the city council, the owners and occupants of each designated historic property, and the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the city council which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States Mail to the last known owner of the property shown on the Fayette County Revenue Commissioner's tax roll and a notice sent via United States Mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.
- (7) *Notification of other agencies regarding designation:* The commission shall notify all municipal agencies within the City of Fayette of the ordinance for designation.
- (8) *Moratorium on applications for alteration or demolition while ordinance for designation is pending:* If an ordinance for designation is being considered, the commission shall have the power to freeze the status of the involved property.

(Ord. No. 2009-06, § IV, 9-8-09)

§ 2-77.20. Application to historic preservation commission for certificate of appropriateness.

- (a) *Approval of alterations, demolitions or new construction in historic districts or involving historic properties.* After the designation by ordinance of a historic property or of a historic district, no historic property may be demolished, no building or structure in a historic district may be erected or demolished and no material change in the exterior appearance of such historic property, or of a structure, site, object or work of art within such historic district shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a certificate of appropriateness has been submitted to and approved by the commission.
- (b) *Approval of new construction within designated districts.* The commission shall issue certificates of appropriateness to new structures constructed within designated historic districts if these structures conform in design, scale, building materials, setback and landscaping to the character of the district specified in the design criteria developed by the commission.
- (c) *Approval of signs within designated districts.* Sign shall be considered as structures and no sign on a historic property or in a historic district shall be changed, erected or demolished unless and until a certificate of appropriateness is approved by the commission.
- (d) *Demolitions within designated districts.*
 - (1) *Required findings—Demolition/relocation.* The commission shall not grant certificates of appropriateness for the demolition or relocation of any property within a historic district unless the commission finds that the removal or relocation of such building will not be detrimental to the historical or architectural character of the district. In making this determination, the commission shall consider:
 - a. The historic or architectural significance of the structure;
 - b. The importance of the structure to the integrity of the historic district, the immediate vicinity, an area, or relationships to other structures;
 - c. The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;

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- d. Whether the structure is one (1) of the last remaining examples of its kind in the neighborhood, the county, or the region or is a good example of its type, or is part of an ensemble of historic buildings creating a neighborhood;
 - e. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area.
- (2) *Content of applications.* All applications to demolish or remove a structure in a historic district shall contain the following minimum information:
- a. The date the owner acquired the property, purchase price, and condition on date of acquisition;
 - b. The number and types of adaptive uses of the property considered by the owner;
 - c. Whether the property has been listed for sale, prices asked and offers received, if any;
 - d. Description of the options currently held for the purchase of such property, including the price received for such option, the conditions placed upon such option and the date of expirations of such option;
 - e. Replacement construction plans for the property in question and amounts expended upon such plans, and the dates of such expenditures;
 - f. Financial proof of the ability to complete the replacement project, which may include, but not be limited to, a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
 - g. Such other information as may reasonably be required by the commission.
- (3) *Post demolition or relocation plans required.* In no event shall the commission entertain any application for the demolition or relocation of any historic property unless the applicant also presents at the same time the post-demolition or post-relocation plans for the site.
- (e) *Approval of alterations or demolitions of public property within historic districts or public property which has been designated as a historic property.* The requirement of a certificate of appropriateness shall apply to public property which has been designated as a historic property or which is contained in a historic district, and shall apply to all actions by public authorities which involve historic properties and properties within historic districts.
 - (f) *Approval of painting originally unpainted surfaces.* The painting of originally unpainted surfaces shall require a certificate of appropriateness.
 - (g) *Interior alterations.* In its review of applications for certificates of appropriateness, the commission shall not consider interior arrangement or use having no effect on exterior architectural features.
 - (h) *Failure to maintain a historic property.* Demolition by neglect and the failure to maintain a historic property or a structure in a historic district shall constitute a change for which a certificate of appropriateness is necessary.
 - (i) *Guidelines and criteria for certificates of appropriateness.* The commission shall adopt rules and regulations setting forth the procedure for submission and consideration of applications for certificates of appropriateness. The commission shall also adopt general design standards which shall apply in considering the granting and denial of certificates of appropriateness. Design standards shall be in compliance with the Secretary of the Interior's "Standards for Historic Preservation Projects" including the Secretary's "Standards for Rehabilitation."
 - (j) *Submission of plans to commission.* An application for certificate of appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the commission. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site.
 - (k) *Acceptable commission reaction to applications for certificate of appropriateness.*

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- (1) The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of the other structures in the immediate neighborhood.
 - (2) The commission shall deny a certificate of appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the aesthetic, historic or architectural significance and value of the historic property or the historic district. The commission shall not grant certificates of appropriateness for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.
- (l) *Public meetings and hearings on applications for certificates of appropriateness, notices and right to be heard.* Applications for certificates of appropriateness shall be considered by the commission at public meetings, held at 6:00 p.m. at Fayette City Hall on the second Tuesday of each month. At least seven (7) days prior to review of a certificate of appropriateness, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected by reason of the application, and shall give applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application.
- (m) *Deadline for approval or rejection of application for certificate of appropriateness.*
- (1) The commission shall approve or reject an application for a certificate of appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a historic structure, site, object or work of art located within a historic district. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Notice of the issuance or denial or a certificate of appropriateness shall be sent by United States Mail to the applicant and all other persons who have requested such notice in writing filed with the commission.
 - (2) Failure of the commission to act within said forty-five (45) days shall constitute approval and no other evidence of approval shall be needed.
- (n) *Necessary actions to be taken by commission upon rejection of application for certificate of appropriateness.*
- (1) In the event the commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
 - (2) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such cases, no building permit shall be issued.
- (o) *Appeals.* Any person having a request for a certificate of appropriateness denied by the commission, or architectural review board as hereinafter provided, may appeal such denial to the circuit court.
- (p) *Certificate of economic hardship.*
- (1) *Substantial economic hardship.* If the commission denies an application for a certificate of appropriateness, a property owner may apply for a certificate of economic hardship. The purpose of the certificate of economic hardship is to provide relief where the application of this chapter would otherwise impose a substantial economic hardship.

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- (2) *Burden of proof.* The burden of proof rests on the applicant to show that the denial of the certificate of appropriateness will result in a substantial economic hardship.
- (3) *Applications.* The applicant shall provide such information as may reasonably be required by the commission to establish the owner's claim of substantial economic hardship. The data provided by the applicant must be substantiated by either professionals in an applicable field or by thorough documentation of how the information was obtained. The commission may request additional information from the applicant as necessary to make informed decisions. Certificates of economic hardship are granted only to the applicant and are not transferable.
- (4) *Standards for consideration.* In making its determination, the commission may consider, but is not limited to, the following described factors, evidence, and testimony:
 - a. Date property was acquired and status of the property under this ordinance at the time of acquisition, e.g., whether property was protected by this chapter, condition, etc.
 - b. The structural soundness of the building, or any structures on the property and their suitability for rehabilitation.
 - c. The current level of economic return on the property.
 - d. The economic feasibility of rehabilitation or reuse of the existing property.
 - e. The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and the price asked and offers received, if any, within the previous two (2) years. This determination can include testimony and relevant documents regarding:
 1. Any real estate broker or firm engaged to sell or lease the property;
 2. Reasonableness of the price or rent sought by the applicant; and
 3. Any advertisements placed for the sale or rent of the property by the owner or applicant.
 - f. Comments and/or reports from any community organizations, preservation groups, other associations and private citizens that wish to comment on a submission made under the financial hardware provision.
 - g. The extent to which the owner is responsible for his or her own economic hardship, if any, such as the owners failure to:
 1. Perform normal maintenance and repairs;
 2. The failure to diligently solicit and retain tenants;
 3. The failure to prescribe a rental amount which is reasonable;
 4. The failure to provide normal tenant improvements; and
 5. The owner's purchase of the subject property after the enactment of the relevant provisions of this chapter without making said purchase contingent upon the owner's first obtaining the approvals required by this chapter.
5. *Hearing.* The commission shall hold a public hearing as soon as practical but not longer than forty-five (45) days of [after] receipt of a completed application for a certificate of economic hardship. Notice shall be provided in the same manner the commission uses for hearings on certificates of appropriateness. At the hearing, the commission shall take testimony presented by the owner and any other interested parties on the standards set forth above. The commission shall issue its decision within forty-five (45) days of the hearing. If the commission fails to timely hold a public hearing, or having conducted a hearing fails to render a decision within forty-five (45) days, the applications for a certificate of economic hardship shall be deemed granted.

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- (6) *Denial.* If the commission determines to deny the application for a certificate of economic hardship, the applicant shall be notified in writing and shall be provided a copy of the commission final order.
- (7) *Initial determination.* If the commission makes an initial determination that the applicant has presented a case which may establish substantial economic hardship, but finds that reasonable alternatives may exist which should be addressed by the applicant, the commission may delay its final order for a period of no more than six (6) months. The applicant shall be notified of the initial determination and shall be provided a copy of the commission's findings and reasons for the postponement.
- (8) *Postponement.* Within the period of postponement, the commission, in cooperation with the city and the owner, may explore alternatives that will assure reasonable use of the property including, but not limited to, loans or grants from public or private sources, acquisition by purchase or eminent domain, building and safety code modifications to reduce cost of maintenance, restoration, rehabilitation or renovation, changes in applicable zoning regulations, or relaxation of the provisions of this chapter sufficient to allow reasonable use of the property.
- (9) *Issuance of certificate.* Upon the expiration of the period of postponement, the commission shall issue the certificate of economic hardship. The certificate may be subject to conditions including design guidelines for subsequent construction not inconsistent with the standards set forth in this chapter and the commission's design guidelines. The certificate of economic hardship shall be valid for a period of one hundred twenty (120) days from approval by the commission.
- (q) *Recording of applications for certificate of appropriateness.* The commission shall keep a public record of all applications for certificates of appropriateness and of all the commission's proceedings in connection with said application.
- (r) *Certificate of appropriateness void if construction not commenced.* A certificate of appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of appropriateness shall be issued for a period of eighteen (18) months and are renewable.
- (s) *Requirements of conformance with certificate of appropriateness.*
 - (1) All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the commission shall issue a cease and desist order and all work shall cease.
 - (2) The city council or the commission shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this article or to prevent any illegal act or conduct with respect to such historic property or historic district.
- (t) *Technical advice.* The commission shall have the power to seek technical advice from outside its members on any application.

(Ord. No. 2009-06, § V, 9-8-09)

§ 2-77.21. Maintenance of historic properties.

- (a) *Expedited review procedures for approval of routine maintenance.* The commission may adopt expedited review procedures for approval of routine maintenance to historic properties or to buildings or structures in historic districts. Routine maintenance to historic properties includes ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay or damage, or to sustain the existing form that does not involve a material change in design, material or outer appearance. Expedited review procedures shall waive the requirements for submission of an application for a certificate of appropriateness and for consideration at a public meeting.

- (b) *Failure to provide ordinary maintenance or repair.* Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The commission shall be charged with the following responsibilities regarding deterioration by neglect:
- (1) The commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of exterior architectural features, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
 - (2) In the event the commission determines a failure to provide ordinary maintenance or repair, the commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have thirty (30) days in which to do this.
 - (3) In the event that the condition is not met in thirty (30) days, the owners shall be punished as provided in this Code and, at the direction of the city council, the commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the commission.

(Ord. No. 2009-06, § VI, 9-8-09)

§ 2-77.22. Building and zoning code provisions.

Affirmation of existing building and zoning codes. Nothing in this division shall be construed as to exempt property owners from complying with existing city building and zoning codes, nor to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.

(Ord. No. 2009-06, § VII, 9-8-09)

ARTICLE VI. EMPLOYEES

DIVISION 1. - SOCIAL SECURITY

Division 2 - - Building and Electrical Inspectors; Police and Fire Fighters

DIVISION 3. - PERSONNEL SYSTEM

DIVISION 4. - DRUG-FREE WORKPLACE POLICY

DIVISION 1. SOCIAL SECURITY

§ 2-78. Policy and purpose.

§ 2-79. Agreements.

§ 2-80 Social Security - Withholdings

§ 2-81 Social Security - Appropriations

§ 2-82 Social Security - Records and Reports

§ 2-83 Social Security - Exclusion of Persons Otherwise Covered

§ 2-84 Social Security - Exclusion of Certain Officials and Employees

§ 2-78. Policy and purpose.

It is the policy and purpose of the City of Fayette, Alabama, to extend, at the earliest date, to the employees and officials thereof, not excluded by law or by this article, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Old Age and Survivor's Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734 of the 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations.

(Ord. of 3-5-51, § 1)

State law reference— Code of Alabama, Tit. 55, §§ 476—483(2).

§ 2-79. Agreements.

The mayor of the City of Fayette, Alabama, is hereby authorized and directed to execute all necessary agreements and amendments thereto with the state agency, authorized to act, to secure coverage of employees and officials as provided in this article.

(Ord. of Mar. 5, 1951, § 2.)

§ 2-80 Social Security - Withholdings

Withholdings from salaries or wages of employees or officials, for the purpose provided in this article, are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations to receive such amounts.

(Ord. of Mar. 5, 1951, § 3.)

§ 2-81 Social Security - Appropriations

There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, which shall be paid over to the state agency designated by such laws or regulations to receive same.

(Ord. of Mar. 5, 1951, § 4.)

§ 2-82 Social Security - Records and Reports

The city shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.

(Ord. of Mar. 5, 1951, § 5.)

§ 2-83 Social Security - Exclusion of Persons Otherwise Covered

There is hereby excluded from this article any authority to make any agreement with respect to any position or any employee or official now covered, or authorized to be covered, by any other ordinance or law creating any retirement system for any employee or official of the city.

(Ord. of Mar. 5, 1951, § 6.)

§ 2-84 Social Security - Exclusion of Certain Officials and Employees

There is hereby excluded from this article any authority to make any agreement with respect to any position, or any employee or official, compensation for which is on a fee basis, or any position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations.

(Ord. of Mar. 5, 1951, § 7.)

Division 2 - Building and Electrical Inspectors; Police and Fire Fighters

[§ 2-85 Building and Electrical Inspectors - Appointment](#)

[§ 2-86 Police and Fire Fighters - Outside Private Employment Restricted](#)

[§ 2-87 Police and Fire Fighters - Additional Public Employment Restricted](#)

[§ 2-88 Police and Fire Fighters - Use of Identification Items Restricted](#)

[§ 2-89 Penalty for Violation](#)

[§ 2-90 Police Department - Seven Day Work Period Established](#)

[§ 2-91 Fire Fighters - Seven Day Work Period Established](#)

[§ 2-92. Scale for payment of volunteer firemen.](#)

[§ 2-93. Police reserve force.](#)

[§§ 2-94—2-100. Reserved.](#)

§ 2-85 Building and Electrical Inspectors - Appointment

The office of building official and the office of electrical official are hereby created and the executive official in charge of each office shall be known as the building inspector and electrical inspector.

The inspectors, hereinabove provided for, shall be appointed by the city council of the City of Fayette, Alabama. Their appointment shall continue during good behavior and satisfactory service.

During the temporary absence or disability of either the building inspector and/or the electrical inspector, the appointing authority shall designate an acting building inspector and/or electrical inspector.

(Ord. of May 16, 1961, § 1; for duties of the building and electrical inspectors, see: this Code, chap. 4, Buildings.)

§ 2-86 Police and Fire Fighters - Outside Private Employment Restricted

No person, actively engaged in law enforcement or fire fighting activities of the City of Fayette, Alabama, shall accept outside employment with private employers without first obtaining special written permission from his supervisor and the mayor.

(Res. of Dec. 16, 1974, § 1.)

§ 2-87 Police and Fire Fighters - Additional Public Employment Restricted

No person, actively engaged in law enforcement or fire fighting activities of the City of Fayette, Alabama, shall accept additional employment with the City of Fayette or with any other governmental agency without first obtaining special written permission from his supervisor and the mayor.

(Res. of Dec. 16, 1974, § 2.)

§ 2-88 Police and Fire Fighters - Use of Identification Items Restricted

Persons, actively engaged in law enforcement or fire fighting activities of the City of Fayette, Alabama, are hereby prohibited from wearing city uniforms, badges, city issued side arms or any designation of the city, while working for a private employer, without first obtaining special written permission from his supervisor and the mayor.

(Res. of Dec. 16, 1974, § 3.)

§ 2-89 Penalty for Violation

Any employee of the City of Fayette, Alabama, who violates any part of the next preceding sections, shall be subject to disciplinary action.

(Res. of Dec. 16, 1974, § 5.)

§ 2-90 Police Department - Seven Day Work Period Established

There is hereby established a seven (7) day work period for all members of the Fayette Police Department who are actively engaged in law enforcement activities for the City of Fayette, Alabama.

(Res. of Dec. 16, 1974, § 1.)

§ 2-91 Fire Fighters - Seven Day Work Period Established

There is hereby established a seven (7) day work period for all members of the Fayette Fire Department who are actively engaged in fire fighting activities for the City of Fayette, Alabama.

(Res. of Dec. 16, 1974, § 1.)

§ 2-92. Scale for payment of volunteer firemen.

A new scale for the payment of volunteer firemen is established as follows:

False		Alarm	-		\$2.00;
Fire		Drill	-		\$3.00;
Fire	and	Small	Hose	-	\$4.00;
Fire	and	Large	Hose	-	\$6.00;
Fire after 9:00 p.m. - \$8.00.					

(Minutes of Oct. 17, 1978)

§ 2-93. Police reserve force.

- (a) *Establishment.* As provided by § 11-43-210, Code of Alabama, 1975, a police reserve force, hereinafter called "reserve", is hereby established within the police department of the City of Fayette, Alabama.
- (b) *Qualifications.* The reserve shall consist of not more than ten (10) members, all of whom are twenty-one (21) years of age or older. Any person desiring appointment to the reserve must submit a written application to the chief of police of the City of Fayette, Alabama, and pass a written police entrance exam, voice stress test analysis test, a physical agility test and background check.

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- (c) *Appointment.* Appointments to the reserve shall be made by the mayor with the consent of the council. Such appointments shall be for terms of two (2) years. Members of the reserve serve at the pleasure of the mayor, and may be removed with or without cause and without hearing, by the mayor.
- (d) *Supervision.* The reserve shall function under the immediate direction of the chief of police, who shall provide for its organization and training. The chief of police is hereby authorized and directed to establish such rules and regulations as may be necessary for the efficient operation of the reserve.
- (e) *Equipment.* Each member of the reserve shall be issued an identification card signed by the chief of police and the mayor. Members of the reserve shall carry this identification card with them at all times.
- (f) *Duties.* The duties of reserve officers are confined to the following:
 - (1) Patrol operation performed for the purpose of detection, prevention and suppression of crime or enforcement of traffic or highway laws of the state, provided the reserve law enforcement officer acts at all times under the direct control and supervision of a certified law enforcement officer.
 - (2) Traffic direction and control may be performed without direct supervision; provided, however, that supervisory control is exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits.
 - (3) Reserve officers may render crowd control assistance at public gatherings or municipal functions as directed by the municipality, provided supervisory control will be exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits.

For purposes of this section, the term "certified law enforcement officer" shall mean a municipal police officer who has completed the training requirements of the Alabama Peace Officers' Standards and Training Commission as set out in Article 3, Chapter 21, Title 36, Code of Alabama, 1975.

- (g) *Arrest powers.* No member of the reserve shall have any authority to exercise any power of arrest unless he or she has completed the training requirements of the Alabama Peace Officers' Standards and Training Commission as set out in Article 3, Chapter 21, Title 36, Code of Alabama, 1975.
- (h) *Active duty.* Members of the reserve shall be called to active duty by the police chief. The police chief shall inform the mayor of the members of the reserve called to active duty. All members of the reserve must work at least two (2) shifts per month.
- (i) *Weapons.* No member of the reserve shall carry a weapon while on active duty unless the reserve officer has completed the training requirements as designated by the chief of police. The reserve officer also must have a valid pistol permit.
- (j) *Compensation.* No member of the reserve shall receive compensation for the time they work.
- (k) *Violations.*
 - (1) It shall be a misdemeanor for any person not a member of the reserve to wear, carry or display a reserve identification card, badge, or cap, or in any way to represent himself or herself to be connected with the reserve.
 - (2) It shall be a misdemeanor for any member of the reserve to loan, sell, lease, or otherwise permit any person not a member of the reserve to wear, carry, or display a reserve identification card, badge, or cap.
 - (3) It shall be a misdemeanor for any member of the reserve to assist any person not a member of the reserve to represent himself or herself as connected with the reserve.
- (l) *Penalty.* Any person found guilty of violating the provisions of subsection (k) of this section shall, upon conviction, be fined in an amount not exceeding five hundred dollars (\$500.00), or sentenced to imprisonment for not exceeding six (6) months, either or both, at the discretion of the court trying the cause.

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Additionally, any member of the reserve charged with violating paragraphs (2) and (3) of subsection (k) of this section shall be suspended from the reserve pending a determination of guilt. Suspended reserve members must surrender their identification card and badge to the chief of police. Reserve members who are convicted of violating paragraphs (2) and (3) of subsection (k) of this section shall immediately be removed from the reserve force. A person convicted of violating paragraphs (2) and (3) of subsection (k) of this section is not eligible for reappointment to the reserve.

(Ord. No. 2008-004, §§ 1—12, 6-24-08)

§§ 2-94—2-100. Reserved.

DIVISION 3. PERSONNEL SYSTEM ^[3]

[§ 2-101. Purpose.](#)

[§ 2-102. Exceptions.](#)

[§ 2-103. Personnel officer.](#)

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[§ 2-108—2-110. Reserved.](#)

§ 2-101. Purpose.

There is hereby established a personnel system for the City of Fayette, Alabama. Such system shall be established on the following merit principles:

- (1) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills.
- (2) Comparable pay for comparable work.
- (3) Training employees, as need to assure high quality performance.
- (4) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance can not be corrected.
- (5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, creed, national origin or ancestry, sex or religion.

(Ord. No. 1990-2, § 1, 4-16-90)

§ 2-102. Exceptions.

The personnel system shall include all employees serving in continuing positions in the municipality except the following:

- (1) Members of the municipal governing body and other elected officials.
- (2) Members of appointed boards and commissions, municipal judges and municipal attorneys.

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- (3) Persons employed to work less than full-time.
- (4) Administrative officials appointed by the mayor and/or municipal governing body.
- (5) Volunteer personnel who receive no regular compensation from the municipality.
- (6) Temporary positions scheduled for less than one year's duration unless specifically covered by the action of the mayor and municipal council.
- (7) Persons performing work under contract for the municipality who are not carried on the payroll as employees.

Nothing herein shall be constructed as precluding the mayor and/or municipal governing body from filling any excepted position in the manner in which positions in the personnel system are filled.

(Ord. No. 1990-2, § 2, 4-16-90)

§ 2-103. Personnel officer.

The city clerk is hereby designated to perform the duties of the personnel officer. He may have other staff members designated to assist him or may designate any member of his staff to assist him.

(Ord. No. 1990-2, § 3, 4-16-90)

§ 2-104. Duties of personnel officer.

The personnel officer shall be responsible for the personnel administration system and shall establish and maintain personnel records.

(Ord. No. 1990-2, § 4, 4-16-90)

§ 2-105. Preparation of personnel rules and regulations..

The personnel officer shall not more than ninety (90) days after the effective date of this division, draft or cause to be drafted, personnel rules and regulations for the municipality. Such rules shall become effective upon passage of an appropriate ordinance by the municipal governing body.

(Ord. No. 1990-2, § 5, 4-16-90)

§ 2-106. Payroll verification.

The personnel officer or his authorized agent shall be responsible for the certification of the payroll vouchers that the persons named therein have been appointed and employed in accordance with the provisions of this division and the policies thereunder.

(Ord. No. 1990-2, § 6, 4-16-90)

§ 2-107. Drug and alcohol policy.

Resolution No. 1995-08, sections 1 through 11, adopted December 18, 1995, provided for a drug and alcohol policy for the City of Fayette, Alabama, is incorporated herein by reference as if fully set out, and is on file in the office of the city clerk.

(Res. No. 1995-08, 12-18-95)

§ 2-108—2-110. Reserved.

FOOTNOTE(S):

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Editor's note— In as much as Ord. No. 1990-2, adopted April 16, 1990, did not specify manner of codification, said provisions have been designated as Chapter 2, Division 3, substantive sections being §§ 2-101—2-106, at the discretion of the editor. ([Back](#))

DIVISION 4. DRUG-FREE WORKPLACE POLICY ¹⁴¹

[§ 2-111. Cause.](#)

[§ 2-112. Policy.](#)

[§ 2-113. Training for supervisory personnel.](#)

§ 2-111. Cause.

The City Council of the City of Fayette, Alabama, does hereby ascertain and declare that drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the user of drugs may impair the well-being of all employees, the public at large, and result in damage to city property.

(Ord. No. 1989-3, § 1, 10-2-89)

§ 2-112. Policy.

It is therefore the policy of the city that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on city property or other public place is prohibited. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

- (1) The city does not differentiate between drug users and drug pushers or sellers. Any employee who illegally gives or in any way transfers an illegal controlled substance to another person or manufactures an illegal substance while on the job or on city premises will be subject to discipline up to and including termination.
- (2) The term "controlled substance" means any drug listed in 21 U.S.C. Sec. 812 and other federal regulations and under the Alabama Uniform Controlled Substances Act, Section 20-2-1, et seq., 1975 Code of Alabama. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician.
- (3) Each employee is required to inform their immediate supervisor five (5) days after he/she is convicted for violation of any federal or state criminal drug statute where such violation occurred

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on city premises. A conviction means finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.

- (4) The mayor or his designee must notify the U.S. government agency with which any contract has been made within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction.
- (5) If any employee is convicted of violating any criminal drug statute while on the job on city property, he/she will be subject to discipline up to an including termination. Alternatively, the city may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
- (6) As a condition of further participation in a federal government contract, the law requires all employees to abide by this policy.

(Ord. No. 1989-3, § 2, 10-2-89)

§ 2-113. Training for supervisory personnel.

The mayor is hereby authorized, empowered and directed to enter into an agreement with the Northwest Alabama Mental Health Center to provide training to all supervisory personnel on the skills needed to act on the signs and symptoms of drug abuse and to provide assessment and treatment services to all employees, of the city.

(Ord. No. 1989-3, § 3, 10-2-89)

FOOTNOTE(S):

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Editor's note— Inasmuch as Ord. No. 1989-3, adopted Oct. 2, 1989, did not specify manner of codification, said provisions have been designated as Article IV, Division 4, substantive sections being §§ 2-111—2-113, at the discretion of the editor. ([Back](#))