



CITY OF CLAY, ALABAMA ORDINANCE 2022-04

AN ORDINANCE TO AMEND ORDINANCE 2010-01, BUILDING CODE

WHEREAS, the City Council of the City of Clay, Alabama adopted Ordinance 2010-01 on January 19, 2010, and

WHEREAS, Ordinance 2010-01 adopted various Standardized Codes relating to amusement devices, buildings, fire prevention, gas, electrical, housing, mechanical, plumbing and swimming pools; and

WHEREAS, the provisions of this Ordinance, may from time to time be amended, supplemented, modified or repealed by the City Council to facilitate proper inspection activities by the City of Clay, Alabama relating to the public safety, health and general welfare; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Clay, Alabama that Ordinance 2010-01 is hereby amended to add the following:

Section XIII.

The purpose of this section is to implement the policy of the city council to encourage landlords and tenants to maintain and improve the quality and appearance of rental housing in the city and to protect the health and safety of persons.

a. Definitions.

For purposes of this section, a rental housing unit is defined as a structure or part of a structure, including a manufactured home, that is rented as a home, residence, or sleeping place by one or more persons. The definitions set forth in §35-9A-141 of the Code of Alabama are incorporated by reference and apply to other terms used herein.

1. This section does not apply to or govern the following circumstances of occupancy:

Occupancy at an institution, public or private, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service.

Occupancy under a contract for sale of a dwelling unit or the property on which it is built or placed, whether the contract is structured as a lease-purchase agreement or otherwise, provided that the seller or lessor conveys legal ownership to the purchaser or lessee, prior to the occupancy.

b. Certificate of Occupancy required.

All rental housing units which are, or which become vacant after January 1, 2023 must be inspected for compliance with the city's adopted property maintenance codes and a certificate of occupancy issued, if such unit is found to be so by the building inspections department, prior to occupancy by a new tenant.

1. The certificate of occupancy is valid for twelve (12) months from the date of issue or is valid until the dwelling becomes vacant following the expiration date. A change of tenancy may occur in a rental unit more than once during the twelve-month period without the need for another inspection.
 2. If, upon inspection of a residential rental-housing unit, the building inspections department determines that the unit is in violation of any property maintenance code, no certificate of occupancy may be issued until the unit is brought into compliance with the code provisions cited.
- c. Inspection Fees.
- Owners of residential rental housing units are responsible for notifying the building inspections department that a vacancy has occurred and scheduling the required inspection.
1. The city shall not charge a fee for the initial inspection. The city shall charge reinspection fees as follows:

First Re-inspection	\$50.00
Second Re-inspection	\$75.00
All Additional Re-inspections	\$100.00
 2. In the event the unit has been occupied without a certificate of occupancy having been issued, the city shall charge subsequent inspections fees as follows:

First unpermitted occupancy.....	\$100.00
Second unpermitted occupancy	\$250.00
Third unpermitted occupancy	\$500.00
 3. In lieu of an inspection by the City of Clay building inspections department, owners of residential rental housing units may submit inspection reports, in a form acceptable to the city, from qualified and credentialed private inspectors who demonstrate to the satisfaction of the building inspections department that all applicable and adopted codes are complied with. Such credentialed inspectors must be
 - (a) Licensed by the Alabama Building Commission pursuant to the Alabama Home Inspectors Registration Act pursuant to §34-14B-1 et seq of the Code of Alabama 1975;
 - (b) An architect registered with the Alabama Board of Registration of Architects pursuant to §34-2-1 et seq. of the Code of Alabama 1975;
 - (c) A professional engineer licensed by the Alabama Board of Licensure for Professional Engineers pursuant to §34-11-1 et seq. of the Code of Alabama 1975;
 - (d) A residential building inspector or building official certified by the International Code Council, Inc. to inspect residential construction.

ADOPTED AND APPROVED this 13th Day of September, 2022.

Charles K. Webster Mayor	ATTEST:	Ronnie Dixon City Manager
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CITY OF CLAY, ALABAMA ORDINANCE 2022-04

I, the undersigned City Manager of the City of Clay, Alabama, do hereby certify that the above and foregoing is a true copy of one Ordinance lawfully passed and adopted by the City Council named therein, at a regular meeting of such Council, and that such resolution is on file in the City Clerk's Office.

I further certify that said Ordinance was posted as required by State Law at the following locations: Clay City Hall; Clay Post Office, Clay Public Library and the Clay Seniors Center all being in the City of Clay.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 14th day of September, 2022.

Ronnie Dixon
City Manager