

Amendments to Fire Prevention and Protection Ordinance Sec. 10-31. Ordinance# 01252021-311

Sec. 10-31. - Violations; imposition of penalty not to excuse violation; continuing violations; removal of prohibited conditions.

(a) Any person who shall violate any of the provisions of the Fire Prevention Code adopted by this article or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detail statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the mayor or city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each such violation and noncompliance, respectively, be guilty of a misdemeanor. The Fire Chief and or the designated appointee(s) (Inspector), shall notify in writing the person(s) in violation of noncompliance with the ordinance and shall set a period of not less than 15 calendar days nor more than 30 calendar days an opportunity to correct the violation and /or noncompliance. When not otherwise specified, each 30 calendar days that prohibited conditions are maintained shall constitute a separate offense. Failure to comply with written notice shall result in the penalties set forth as follows:

First violation and noncompliance shall be fined \$100.00 plus any applicable costs of court; \$250.00 plus any applicable costs of court for the second offense, \$500.00 plus any applicable costs of court for the third offense and may be fined or jailed at the discretion of the municipal judge up to the limits of municipal jurisdiction for a fourth or subsequent offense.

In the event of subsequent offenses of violation and noncompliance, the municipal governing body shall set a time for hearing on the matter of revoking or refusing to renew a business license; and a notice of such hearing shall be given to the licensee, or the applicant for renewal, as the case may be, at least 15 days before the day set for said hearing. At the hearing, the municipal governing body shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal of renewal and render a determination by majority vote of the governing body. The person(s) aggrieved by the decision shall have the right to appeal the decision of the governing body to the Shelby County Circuit Court by filing an appeal and appeal bond equal to the fine within ten (10) days of the vote. (b) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each 30 days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1982, § 5-210; Ord. of 4-13-1981)

ADOPTED AND APPROVED by the City of Montevallo this the 25th day of January 2021.



Rusty Nix, Mayor

ATTEST:



Steve Gilbert, City Clerk

