

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE & PRAYER**
- 3. ROLL CALL**
- 4. APPROVAL OF MINUTES**
- 5. COMMUNICATIONS FROM THE MAYOR**
- 6. EXECUTIVE SESSION**
- 7. COMMITTEE REPORTS**
- 8. OLD BUSINESS**
- 9. NEW BUSINESS**
 - A. Resolution No. 8980 – Resolution Authorizing for Property Located at 1009 Linthicum Street, Tarrant, AL 35217 and to Declare Same as a Nuisance – Sponsored by Mayor Wayman Newton – *Tabled*
 - B. Resolution No. 8981 – Resolution Declaring Nuisance and Authorizing Abatement for Property Located at 653 Springdale Road, Tarrant, AL 35217 and to Declare Same as a Nuisance – Sponsored by Mayor Wayman Newton – *Tabled*
 - C. Resolution No. 8982 – Resolution Declaring Nuisance and Authorizing Abatement for Property Located at 92 Long Street, Tarrant, AL 35217 and to Declare Same as a Nuisance – Sponsored by Mayor Wayman Newton Resolution *Tabled*
- 10. PUBLIC COMMENTS**
- 11. VOUCHERS & EXPENSES**
- 12. ADJOURN**

RESOLUTION NO. 8980

A RESOLUTION AUTHORIZING ABATEMENT FOR A PUBLIC NUISANCE AT 1009 LINTHICUM STREET, TARRANT, AL 35217.

WHEREAS, following a duly noticed Public Hearing held on January 4, 2023, the City Council of the City of Tarrant, Alabama, finds the real property located at 1009 Linthicum Street Tarrant, AL 35217 (hereinafter "Property,") lying within the City's corporate limits, is violation of the City Ordinance(s) of the City of Tarrant as listed below and constitutes a public nuisance:

- (1) Open storage of non-operational vehicles. (City of Tarrant Chapter 4, Section 4.11; Chapter 9, Articles 9.56 and 9.58, Code of Alabama §32-13-1(4));
- (2) Occupied required yard space. (City of Tarrant Appendix A, Article 5, Section 5.03);
- (3) Commercial vehicles in residential zone. (City of Tarrant, Appendix A, Chapter 6, Section-16(f)(14)); and
- (4) Open storage of goods (City of Tarrant, Chapter 4, Section 4.11); and

WHEREAS, notice of violations for the Property was provided by section 4-114 of the Code of Ordinances of the City of Tarrant; and;

WHEREAS, a notice has been provided to the Property owner(s) and a public hearing has been held; and

WHEREAS, following a public hearing said property was declared a public nuisance (Resolution 8971 attached as Exhibit A") during the regular meeting of the City Council of the City of Tarrant held on December 19, 2023; and

WHEREAS, said property continues to be a public nuisance and in violation of City Ordinances; and

WHEREAS, photos documenting the continued non-compliance as of January 3, 2023, are attached as Exhibit "B" to this Resolution; and

WHEREAS, the City Council of the City of Tarrant, Alabama, having heard from the interested parties who appeared at the public hearing, finds the Property continues to constitute a public nuisance as defined in the Code of Ordinances of the City of Tarrant, Alabama; and

WHEREAS, the Property being found by the City Council of the City of Tarrant, Alabama to be in continued violation of City Ordinances as listed above and hereby declares the property as an ongoing public nuisance and authorizes the enforcement of City Ordinances through the appropriate abatement, penalty(s), an/or legal action.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TARRANT, ALABAMA while in regular session on January 4, 2023, at 7:00 pm. as follows:

1. The preamble is adopted and incorporated as if fully set out herein.
2. The City Council held a duly noticed public hearing on the date fixed below at its regularly scheduled council meeting.
3. The City Council finds that the above-described conditions at the Property continues to be in violation of City Ordinances as stated above and hereby constitutes a continuing public nuisance as stated within the Code of Ordinances of the City of Tarrant, Alabama.
4. The City Council hereby authorizes the enforcement of said Ordinances through the abatement of the public nuisances identified herein. Further, the enforcing official shall give notice of this Resolution as required by the Code of Ordinances.
5. Any and all costs and expenses of said enforcement, including any abatement, unsatisfied penalty(s) and/or legal action(s) shall be identified, recorded, and submitted to the City Council of the City of Tarrant, Alabama, for an assessment to be placed upon the property as provided in Chapter 4 of the Code of Ordinances.

ADOPTED this the ____ day of _____, 202__.

Wayman A. Newton, Mayor
City of Tarrant

Attest: _____
_____, City Clerk

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, _____, City Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Resolution duly and legally adopted by the City Council of the City of Tarrant, Alabama, on the ____ day of _____, 202__, while in regular session on _____, _____, 2022, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this ____ day of _____, 20__.

_____, City Clerk

MICHAEL BRYMER
CITY ATTORNEY

WAYMAN A. NEWTON
MAYOR

LASHAWN PEGUES
CITY CLERK

CITY OF TARRANT

1604 Pinson Valley Parkway
P. O. Box 170220
Tarrant, Alabama 35217-0220
205/849-2800
Fax 205/849-2805

COUNCIL MEMBERS
CATHY ANDERSON
JOHN T. "TOMMY" BRYANT

COUNCIL MEMBERS
VERONICA BANDY FREEMAN
DEBORAH MATTHEWS

TRACIE B. THREADFORD
MAYOR PRO TEM

Date: 12/29/2022

Owner: Ellis Weatherspoon

Address: 1009 Linthicum St Tarrant AL. 35217

Re: Property Violation at 1009 Linthicum St

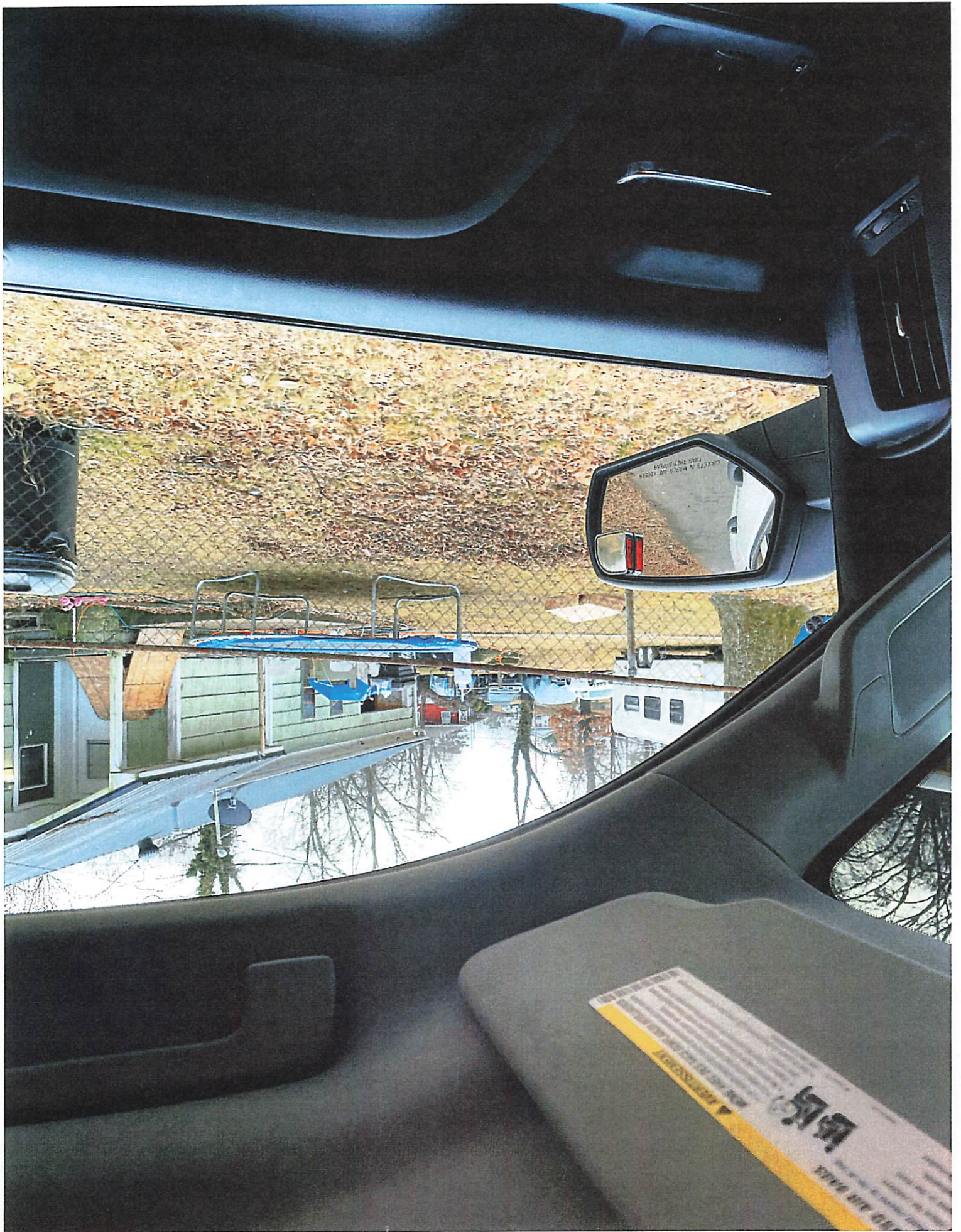
Tax Parcel I.D.: # 23 00 08 1 024 001.000

TARRANT CITY COUNCIL HEARING NOTICE

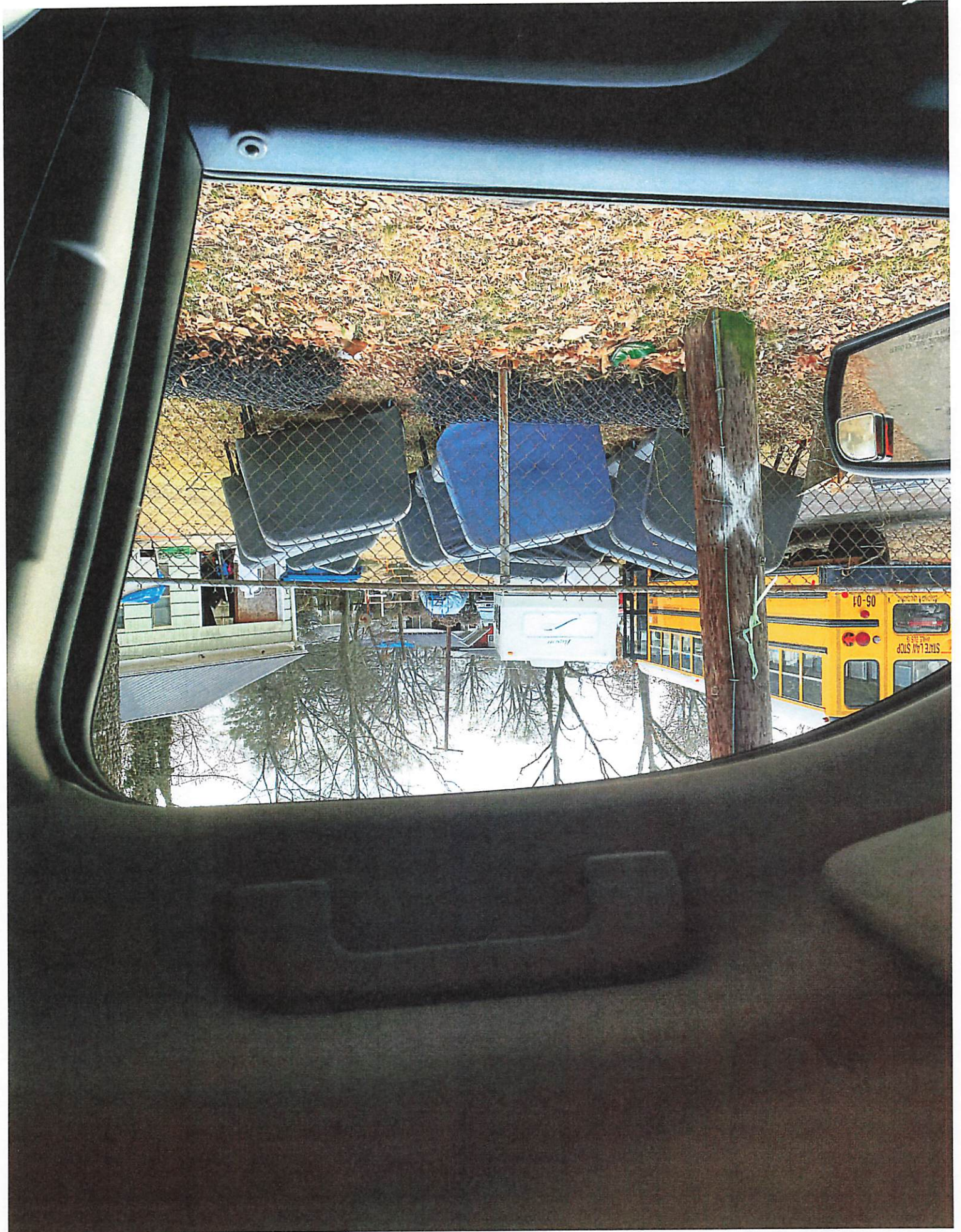
YOU ARE IN VIOLATION OF THE CITY OF TARRANT ORDINANCE(S). A HEARING IS SCHEDULED BEFORE THE CITY COUNCIL ON, 01/04/2023, AT 06:00PM, AT THE TARRANT CITY HALL, COUNCIL CHAMBERS, LOCATED AT 1133 EAST LAKE DRIVE, TARRANT, ALABAMA 35217. YOU MAY ATTEND AND PRESENT EVIDENCE TO THE CITY COUNCIL ON YOUR POSITION. FAILURE TO ATTEND WILL RESULT IN THE CITY COUNCIL MAKING A DETERMINATION FOR CONTINUED LEGAL ACTION PENALTY(S) AND OR ABATEMENT OF THE VIOLATION AT YOUR EXPENSE WITHOUT HEARING YOUR POSITION.

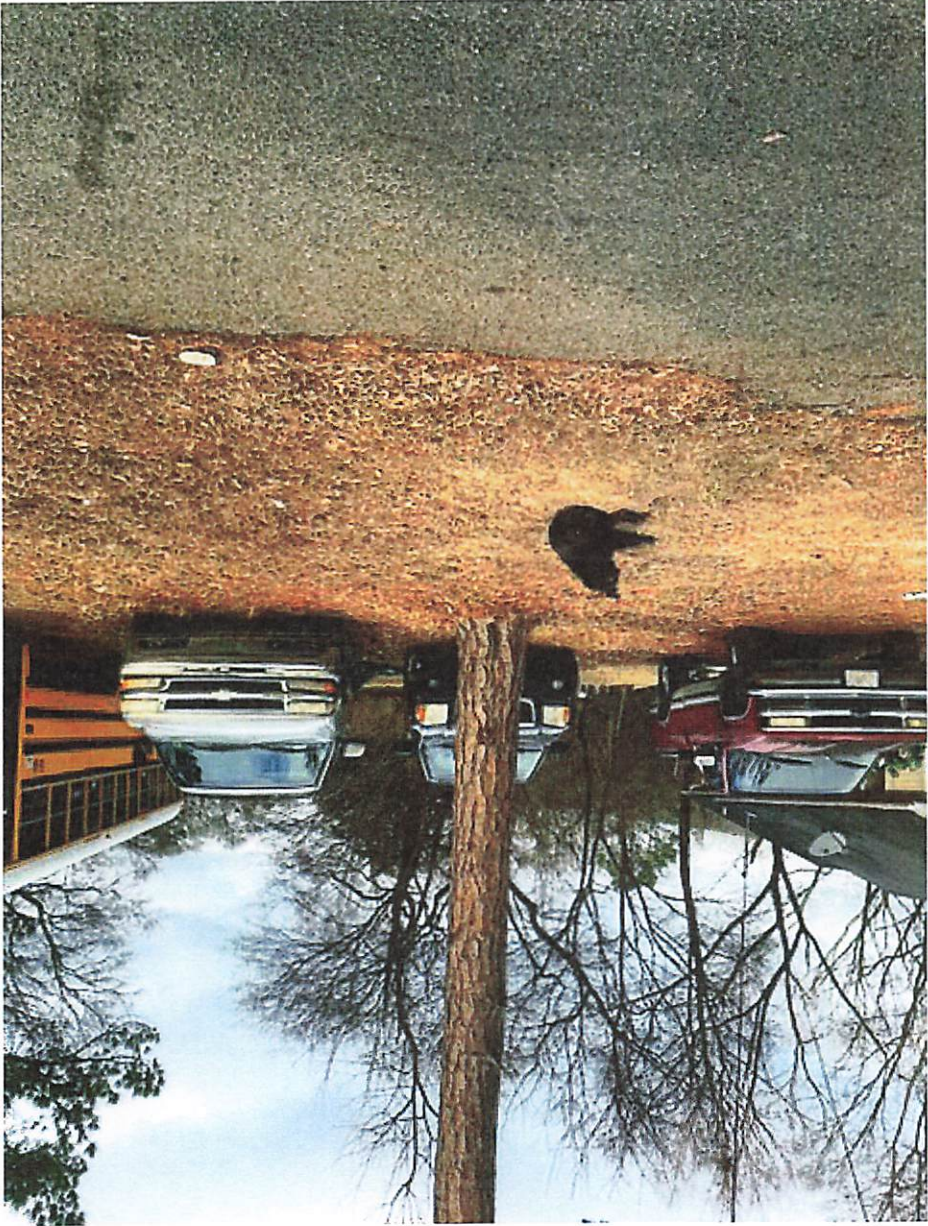


David Casian, Inspection Superintendent

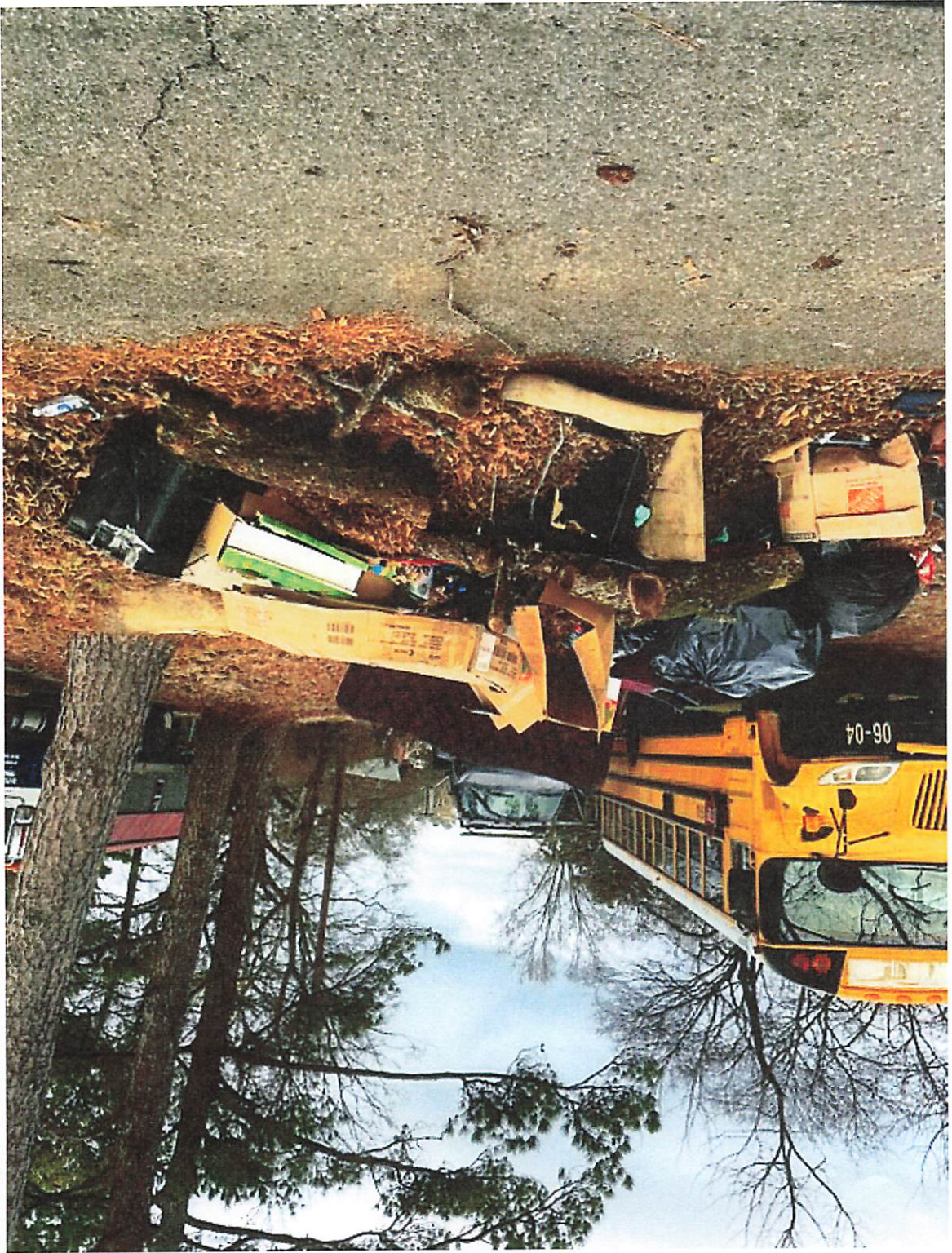


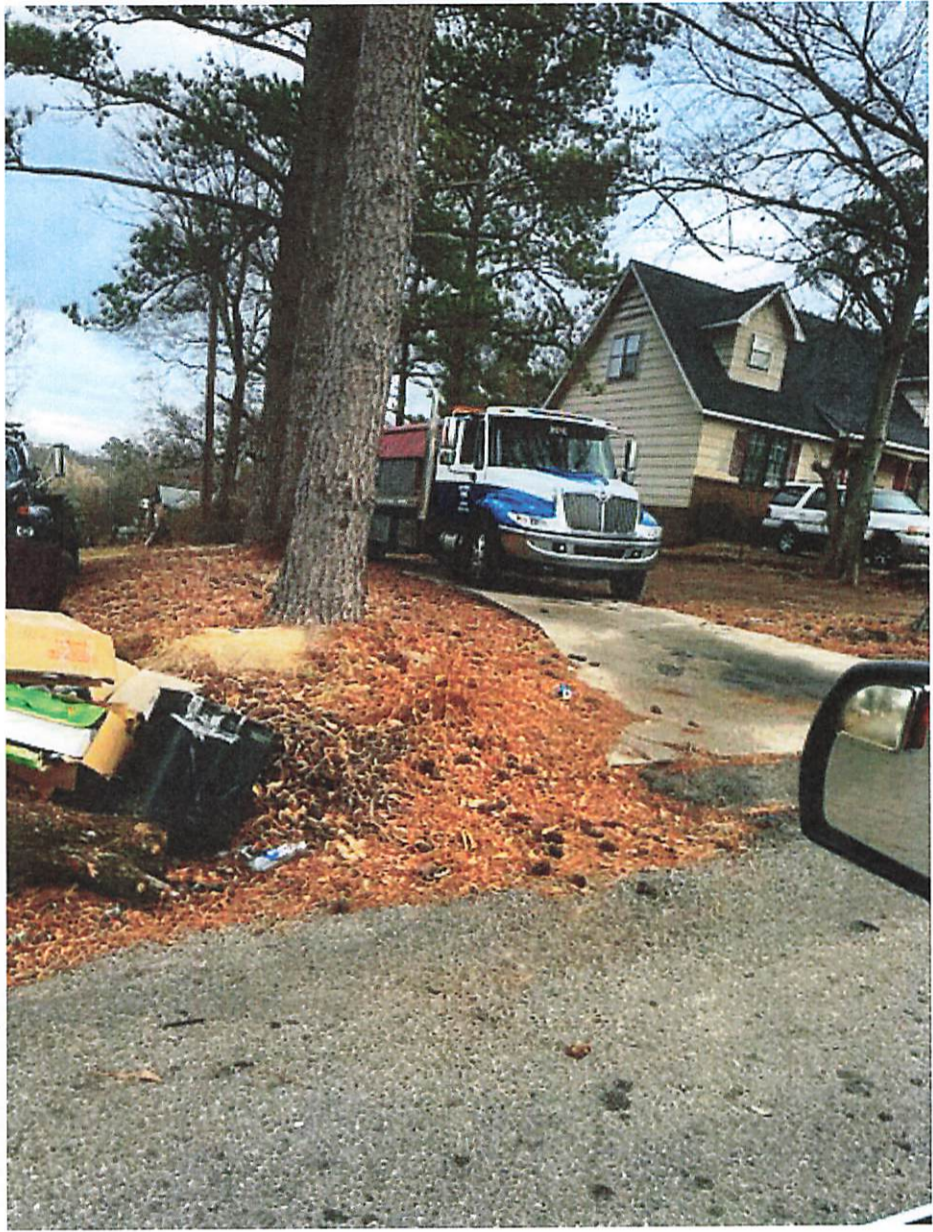




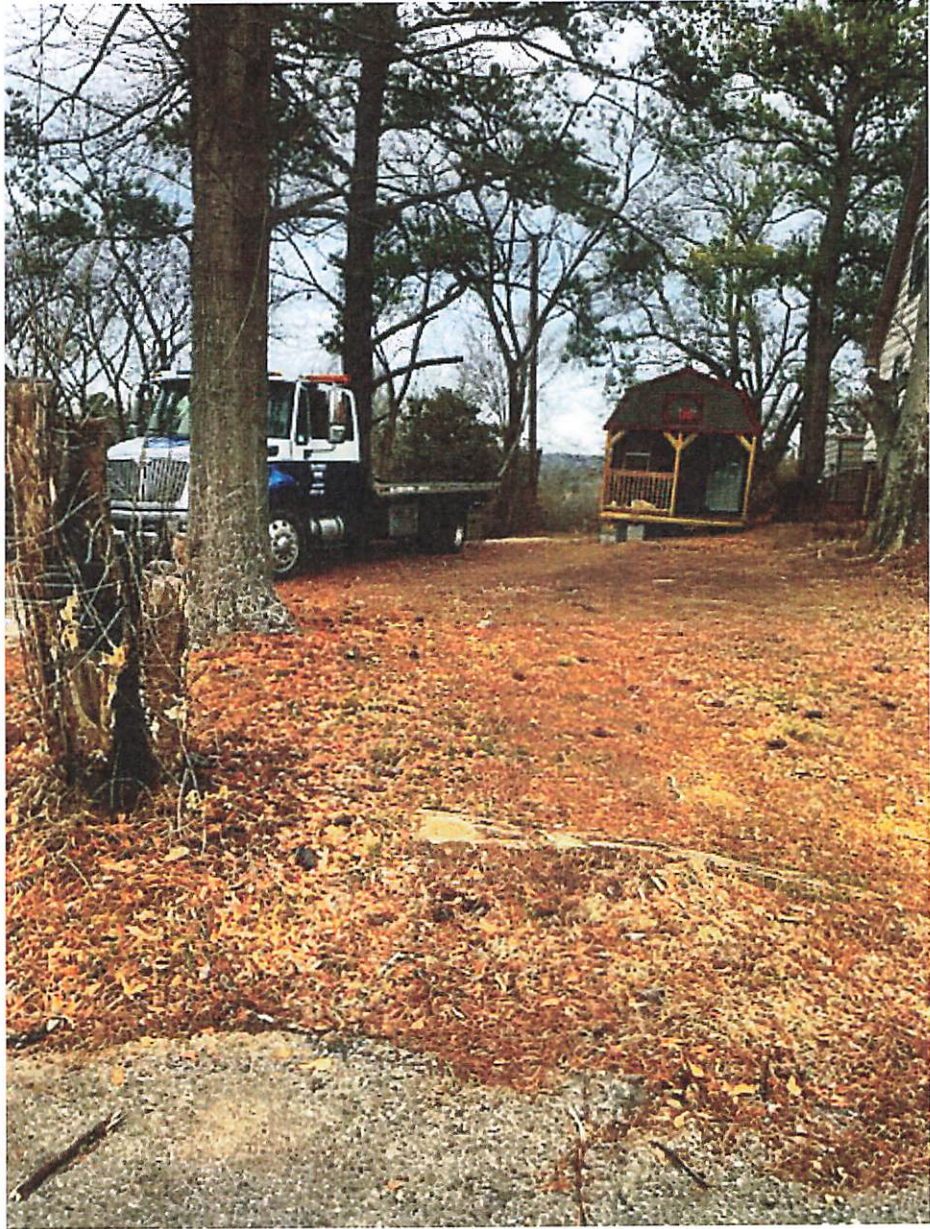














RESOLUTION NO. 8981

A RESOLUTION DECLARING PUBLIC NUISANCE AND AUTHORIZING ABATEMENT FOR PROPERTY LOCATED AT 653 SPRINGDALE ROAD, TARRANT, AL 35217.

WHEREAS, following a duly noticed Public Hearing held on January 4, 2023, the City Council of the City of Tarrant, Alabama, finds the real property located at 92 Long Street, Tarrant, AL 35217 (hereinafter "Property,") lying within the City's corporate limits, is violation of the City Ordinance(s) of the City of Tarrant as attached hereto as Exhibit A.

WHEREAS, notice of violation for the Property was provided by section 4-114 of the Code of Ordinances of the City of Tarrant; and;

WHEREAS, a notice has been provided to the Property owner(s) and a public hearing has been held; and

WHEREAS, photos and relevant documentation regarding the Property are attached as Exhibit "A" to this Resolution; and

WHEREAS, the City Council of the City of Tarrant, Alabama, having heard from the interested parties who appeared at the public hearing, finds the Property to constitute a public nuisance as defined in the Code of Ordinances of the City of Tarrant, Alabama; and

WHEREAS, the Property being found by the City Council of the City of Tarrant, Alabama to be in violation of City Ordinances as listed above and hereby declares a public nuisance authorizes the enforcement of said Ordinances through the appropriate abatement, penalty(s), and/or legal action.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TARRANT, ALABAMA while in regular session on January 4, 2023, at 7:00 pm. as follows:

1. The preamble is adopted and incorporated as if fully set out herein.
2. The City Council held a duly notice public hearing on the date fixed below at its regularly scheduled council meeting.
3. The City Council finds that the above-described conditions at the Property is in violation of City Ordinances as stated above and hereby constitutes a public nuisance as stated within the Code of Ordinances of the City of Tarrant, Alabama.
4. The City Council hereby authorizes the enforcement of said Ordinances through the appropriate abatement, penalty(s), and/or legal action as stated within the Code of Ordinances of the City of Tarrant, Alabama. Further, the enforcing official shall give notice of this Resolution as required by the Code of Ordinances.

5. Any and all costs and expenses of said enforcement, including any abatement, unsatisfied penalty(s) or abatement shall be identified, recorded, and submitted to the City Council of the City of Tarrant, Alabama, for an assessment to be placed upon the property as provided in Chapter 4 of the Code of Ordinances.

ADOPTED this the ____ day of _____, 202__.

Wayman A. Newton, Mayor
City of Tarrant

Attest: _____
_____, City Clerk

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, _____, City Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Resolution duly and legally adopted by the City Council of the City of Tarrant, Alabama, on the ____ day of _____, 202__, while in regular session on _____, _____, 2022, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this ____ day of _____, 20__.

_____, City Clerk

MICHAEL BRYMER
CITY ATTORNEY

WAYMAN A. NEWTON
MAYOR

LASHAWN PEGUES
CITY CLERK

CITY OF TARRANT

1604 Pinson Valley Parkway
P. O. Box 170220
Tarrant, Alabama 35217-0220
205/849-2800
Fax 205/849-2805

COUNCIL MEMBERS
CATHY ANDERSON
JOHN T. "TOMMY" BRYANT

COUNCIL MEMBERS
VERONICA BANDY FREEMAN
DEBORAH MATTHEWS

TRACIE B. THREADFORD
MAYOR PRO TEM

Date: 11/29/2022

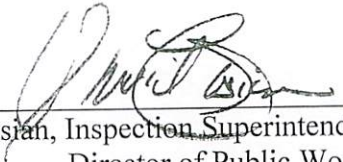
To: Larry and Pamala Watson

From: David Casian

Re: 653 Springdale Rd.

TARRANT CITY COUNCIL HEARING NOTICE

YOU ARE IN VIOLATION OF THE CITY OF TARRANT ORDINANCE(S). A HEARING IS SCHEDULED BEFORE THE CITY COUNCIL ON, 01/04/2023, AT 06:00PM, AT THE TARRANT CITY HALL, COUNCIL CHAMBERS, LOCATED AT 1133 EAST LAKE DRIVE, TARRANT, ALABAMA 35217. YOU MAY ATTEND AND PRESENT EVIDENCE TO THE CITY COUNCIL ON YOUR POSITION. FAILURE TO ATTEND WILL RESULT IN THE CITY COUNCIL MAKING A DETERMINATION FOR CONTINUED LEGAL ACTION PENALTY(S) AND OR ABATEMENT OF THE VIOLATION AT YOUR EXPENSE WITHOUT HEARING YOUR POSITION.


David Casian, Inspection Superintendent
Director of Public Works

3 MICHAEL BRYMER
PEGUES
CITY ATTORNEY

WAYMAN A. NEWTON
MAYOR

LASHAWN
CITY CLERK

CITY OF TARRANT

1604 Pinson Valley Parkway
P. O. Box 170220
Tarrant, Alabama 35217-0220
205/849-2800
Fax 205/849-2805

COUNCIL MEMBERS
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JOHN T. "TOMMY" BRYANT

COUNCIL MEMBERS
VERONICA BANDY FREEMAN
DEBORAH MATTHEWS

TRACIE B. THREADFORD
MAYOR PRO TEM

Date: 11/03/2022

OWNER: WATSON LARRY A & PAMALA B

ADDRESS: 653 SPRINGDALE RD BIRMINGHAM AL 35217

Re: 653 SPRINGDALE RD

Tax Parcel I.D.: # 13 00 32 4 001 012.000

ORDER TO COMPLY

Dear Property Owner:

YOU ARE IN VIOLATION OF THE CORRECTION NOTICE POSTED ON OCTOBER, 27, 2022 AND AS A RESULT, THIS **ORDER TO COMPLY** IS NOW ISSUED. In accordance with the CODE OF ORDINANCES CITY OF TARRANT ALABAMA, Sec. 4-110; on October 27, 2022, a site visit was conducted at 653 Springdale, to verify alleged Violations; a correction notice addressing observed violations (several vehicles in various stages of disrepair, visible from the public right-a-way constituting a zoning violation and public nuisance) was posted GIVING 48 HOUR TO CORRECT. A site visit was again conducted in November 2, 2022, and little to no change had occurred to this date from the initial visit. The property consists of a TYPE V, R-3 OCCUPANCY IRREGULAR SHAPED SINGLE-FAMILY DWELLING AND SEVERAL OUT BUILDINGS. The violations consist of **ILLEGAL AUTOMOBILE REPAIR AND VISUAL BLIGHT**. This property is in violation of the Code of Ordinances of the City of Tarrant, constituting a public nuisance and or an attractive nuisance and threat to the local residences and the community and constituents of the City of Tarrant.

The Charging sections of the City of Tarrant are provided as attached, followed by repair/correction requirements.

Sincerely,

David Casian, Building Inspection Superintendent

Nuisance Abatement ORDER

CITY OF TARRANT/INSPECTION DIVISION

ATTACHMENT

TARRANT MUNICIAPAL CODE

ARTICLE I. - IN GENERAL

- Sec. 4-1. - Building inspector official—Office created.
- Sec. 4-2. - Same—Enforcement of codes.
- Sec. 4-3. - Same—Given power of police officer; right-of-entry.
- Sec. 4-4. - Technical codes—Adopted by reference.
 - International Building Code (IBC).
 - International Residential Code (IRC).
 - International Mechanical Code (IMC).
 - International Plumbing Code (IPC), which now includes the International Private Sewage Disposal Codes.
 - International Fuel Gas Code (IFGC).
 - International Energy Conservation Code (IECC).
 - International Existing Building Code (IEBC).
 - International Wildland Urban Interface Code (IWUIC).
 - International Performance Code for Buildings and Facilities (ICCPC).
 - International Property Maintenance Code (IPMC)
 - International Zoning Code (IZC).
- Sec. 4-9. - Cleanup before issuance of certificate of occupancy.
- Sec. 4-11. - Care of premises.
- Sec. 9-2 Nuisances-generally
- 9-4 Abatement of vacant property
- 9-17 Nuisance Property
- 9-40 Litter
- 9-58 Vehicle Storage
- 9-59 Vehicle Impounding

REQUIREMENT:

Nuisance Abatement ORDER

CITY OF TARRANT/INSPECTION DIVISION

This property is located in the “Light Industrial Zone” established June 6, 2006; however, prior to this date, this area was designated “Residential” with the current use of the Single-Family Dwelling, maintains non-conforming rights to the previous zone and cannot be used as an automotive vehicle repair facility; to use this property as a automotive vehicle repair facility:

- The current legal use would have to be abandoned, (since the area is not zoned for mixed use)
- A proper vehicle repair facility plan would be submitted to the Department of Building and Safety for approval,
- Permits obtained,
- Facility developed, inspected and approved,
- A business license obtained and
- A property enclosure, in compliance with the zoning ordinance provided.

In accordance with Sections:

Sec. 9-2. - Nuisances generally—Creating unlawful.

Any person who creates or causes or permits any nuisance on or about any lot, place or premises owned or controlled by such person, or on or about any street or other public place, or who commits any act or creates or causes or permits the existence of anything calculated to endanger the safety of property, or which is prejudicial to the health or comfort, or offensive to the senses of ordinary citizens, is guilty of a misdemeanor; and each day a continuing nuisance shall exist shall constitute a separate offense.

Sec. 9-58. - Leaving of wrecked or discarded vehicles on property.

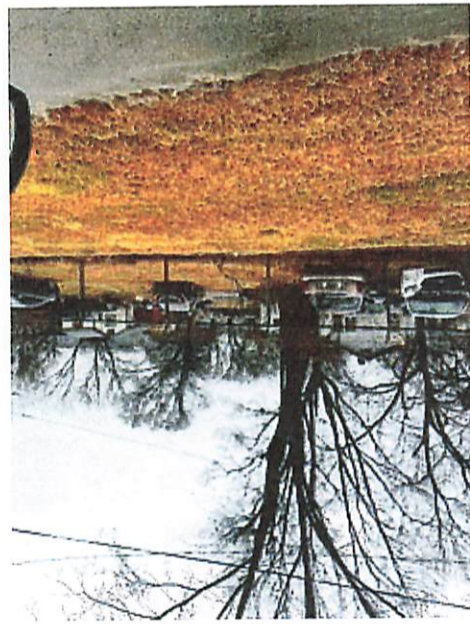
No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on such property longer than forty-eight (48) hours; except that this section shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of

such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

You, as the owner(s) of the property, are hereby notified by virtue of this order to have this property cleared and removed of **ALL AUTOMOTIVE VEHICLES NOT REGISTERED** to a **resident of this site with such vehicle registration also displaying this site legal address** within **FIFTEEN (15) DAYS** from the date of this notice. Additionally, all non-operational vehicles legal to the occupant and address **MUST** be enclosed out of public view.

Failure or refusal to abate the nuisance may lead to requiring your appearance in court and may be punishable by a fine of up to \$500.00. **EVERY DAY THE VIOLATION CONTINUES BEYOND THE COMPLIANCE DATE CONSTITUTES A SEPARATE OFFENSE FOR WHICH A FINE MAY BE IMPOSED.** The city will hold a public legal hearing requiring your appearance regarding the nuisance. The City may abate the nuisance or may file a lawsuit to abate the nuisance, the total expense of which will be assessed against the legal owner of registration of the site and or the property.

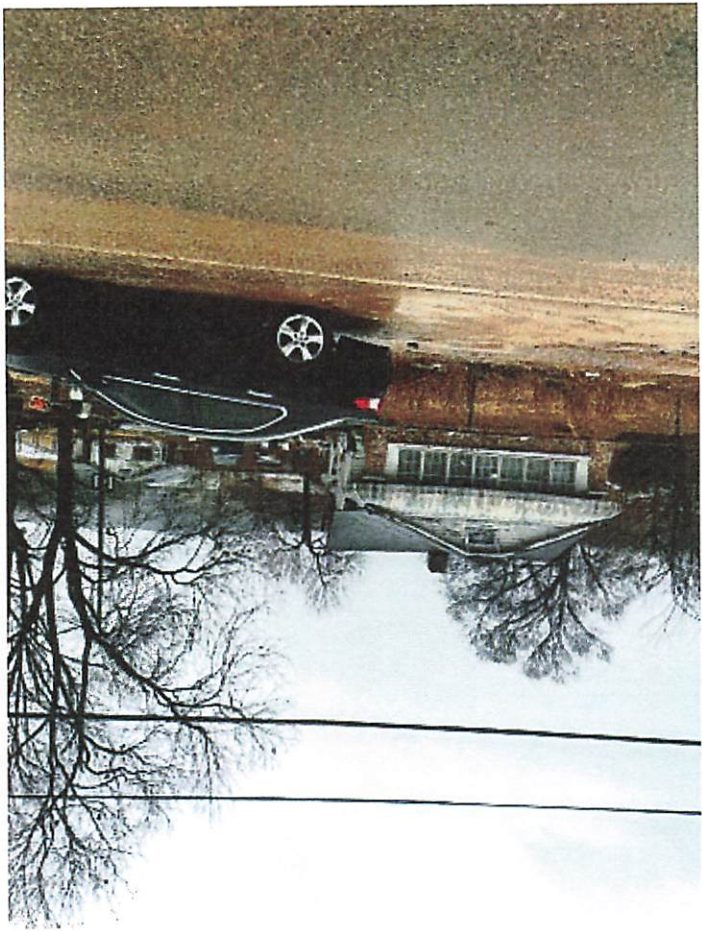
Your immediate compliance with the City of Tarrant's nuisance ordinance is **NOW ORDERED.** To assist us in responding to your questions or concerns, **we further request that all communication with this department be made in writing at the address listed above and include your telephone number.**















RESOLUTION NO. 8982

A RESOLUTION DECLARING PUBLIC NUISANCE AND AUTHORIZING ABATEMENT FOR PROPERTY LOCATED AT 92 LONG STREET, TARRANT, AL 35217.

WHEREAS, following a duly noticed Public Hearing held on January 4, 2023, the City Council of the City of Tarrant, Alabama, finds the real property located at 92 Long Street, Tarrant, AL 35217 (hereinafter "Property,") lying within the City's corporate limits, is violation of the City Ordinance(s) of the City of Tarrant as listed below:

Sec. 5.03. - R-HD High-Density Single-Family Zone.

This zone exists for the protection of areas, which are, or are planned to be, developed for high-density single-family dwellings, duplexes and non-residential uses that support and harmonize with high-density single-family residential development.

(a) Permitted uses.

- (1) Accessory buildings, subject to [section 4.03](#).*
- (2) Detached single-family dwellings.*
- (3) Gardens.*
- (4) Parks and playgrounds.*
- (5) public buildings (low-intensity only).*
- (6) Signs, subject to [Article 8](#).*

Sec. 4.03. - Principal and accessory buildings and structures.

Only one (1) principal building and its permitted accessory buildings may hereafter be erected on any lot in any single-family residential zone. Accessory dwellings are permitted in certain single-family zones subject to section 603.

Accessory buildings and structures, in all zones, shall be located wholly to the rear of the principal building.

ARTICLE 6. - SUPPLEMENTAL USE REGULATIONS

Sec. 6.01. - Applicability.

All uses identified in Article 5 as subject to supplemental use regulations shall comply with all applicable standards for the uses as specified within this article in addition to other requirements of this ordinance.

Sec. 6.02. - Enforcement.

After the effective date of this ordinance, any existing building proposed for a change in use that under this ordinance is subject to supplemental use regulations, shall be required to obtain a

certificate of occupancy from the building inspector stating that the structure, lot and proposed use complies with all standards for the stated use. A certificate of occupancy required for a new building shall similarly reflect the building inspector's satisfaction that all requirements have been met for a use subject to supplemental use regulations.

Sec. 7.01. - Off street parking.

There shall be provided, at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or before conversion from one (1) type of use or occupancy to another, permanent off-street parking in the amount specified in this article. Such parking space may be provided in a parking garage or parking lot or in driveways serving single-family dwellings and duplexes. Parking facilities provided in accordance with the terms of this ordinance shall not subsequently be reduced below the requirements of this ordinance or subsequent amendment thereto.

Sec. 11.02. - Building permit.

Building permit required. No building, sign or other structure shall be erected, moved, extended, enlarged or otherwise structurally altered until the building inspector has issued a building permit for such work. The building inspector shall not issue a building permit until conformance with the provisions of this ordinance is certified by the building inspector through the issuance of zoning approval.

A PERMIT WAS PREVIOUSLY ISSUED; HOWEVER, THE PERMIT WAS ISSUED IN ERROR

Sec. 11.04. - Certificate of occupancy.

No land, building or other structure or part thereof hereafter erected, moved, or altered following issuance of a building permit shall be occupied or utilized until the building inspector has issued a certificate of occupancy stating that such land, building, structure or part thereof is found to be in conformity with the provisions of this ordinance and the building code.

A CERTIFICATE OF OCCUPANCY WAS NEVER ISSUED FOR BUILDING USE. NO FIRE MARSHAL INSPECTION EVER OCCURRED; THEREFORE, NO OCCUPANCY LOAD HAS BEEN ESTABLISHED FOR THE BUILDING USE

WHEREAS, notice of violation for the Property was provided by section 4-114 of the Code of Ordinances of the City of Tarrant; and;

WHEREAS, a notice has been provided to the Property owner(s) and a public hearing has been held; and

WHEREAS, photos and relevant documentation regarding the Property are attached as Exhibit "A" to this Resolution; and

WHEREAS, the City Council of the City of Tarrant, Alabama, having heard from the interested parties who appeared at the public hearing, finds the Property to constitute a public nuisance as defined in the Code of Ordinances of the City of Tarrant, Alabama; and

WHEREAS, the Property being found by the City Council of the City of Tarrant, Alabama to be in violation of City Ordinances as listed above and hereby declares a public nuisance authorizes the enforcement of said Ordinances through the appropriate penalty(s), legal action or abatement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TARRANT, ALABAMA while in regular session on January 4, 2023, at 7:00 pm. as follows:

1. The preamble is adopted and incorporated as if fully set out herein.
2. The City Council held a duly notice public hearing on the date fixed below at its regularly scheduled council meeting.
3. The City Council finds that the above-described conditions at the Property is in violation of City Ordinances as stated above and hereby constitutes a public nuisance as stated within the Code of Ordinances of the City of Tarrant, Alabama.
4. The City Council hereby authorizes the enforcement of said Ordinances through the appropriate penalty(s), legal action or abatement as stated within the Code of Ordinances of the City of Tarrant, Alabama. Further, the enforcing official shall give notice of this Resolution as required by the Code of Ordinances.
5. Any and all costs and expenses of said enforcement, including any legal action(s) or abatement shall be identified, recorded, and submitted to the City Council of the City of Tarrant, Alabama, for an assessment to be placed upon the property as provided in Chapter 4 of the Code of Ordinances.

ADOPTED this the ____ day of _____, 202__.

Wayman A. Newton, Mayor
City of Tarrant

Attest: _____,
_____, City Clerk

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, _____, City Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Resolution duly and legally adopted by the City Council of the City of Tarrant, Alabama, on the ____ day of _____, 202__, while in regular session on _____, _____, 2022, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this ____ day of _____, 20__.

_____, City Clerk

MICHAEL BRYMER
CITY ATTORNEY

WAYMAN A. NEWTON
MAYOR

LASHAWN PEGUES
CITY CLERK

CITY OF TARRANT

1604 Pinson Valley Parkway
P. O. Box 170220
Tarrant, Alabama 35217-0220
205/849-2800
Fax 205/849-2805

COUNCIL MEMBERS
CATHY ANDERSON
JOHN T. "TOMMY" BRYANT

COUNCIL MEMBERS
VERONICA BANDY FREEMAN
DEBORAH MATTHEWS

TRACIE B. THREADFORD
MAYOR PRO TEM

Date: 11/29/2022

To: Samuel Brewster Jr.

From: David Casian

Re: 92 long St

TARRANT CITY COUNCIL HEARING NOTICE

YOU ARE IN VIOLATION OF THE CITY OF TARRANT ORDINANCE(S). A HEARING IS SCHEDULED BEFORE THE CITY COUNCIL ON, 01/04/2023, AT 06:00PM, AT THE TARRANT CITY HALL, COUNCIL CHAMBERS, LOCATED AT 1133 EAST LAKE DRIVE, TARRANT, ALABAMA 35217. YOU MAY ATTEND AND PRESENT EVIDENCE TO THE CITY COUNCIL ON YOUR POSITION. FAILURE TO ATTEND WILL RESULT IN THE CITY COUNCIL MAKING A DETERMINATION FOR CONTINUED LEGAL ACTION PENALTY(S) AND OR ABATEMENT OF THE VIOLATION AT YOUR EXPENSE WITHOUT HEARING YOUR POSITION.



David Casian, Inspection Superintendent
Director of Public Works

MICHAEL BRYMER
CITY ATTORNEY

WAYMAN A. NEWTON
MAYOR

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CITY CLERK

CITY OF TARRANT

1604 Pinson Valley Parkway
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COUNCIL MEMBERS
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VERONICA BANDY FREEMAN
DEBORAH MATTHEWS

TRACIE B. THREADFORD
MAYOR PRO TEM

Date: 10/18/2022

Owner: Samuel C. Brewster Jr.

Address: 811 RIVERCHASE PKWY W HOOVER AL 35244-1626

Re: 92 Long Street Tarrant AL. 35217 / DBA "MAJIC CITY GARAGE

Tax Parcel I.D.: # 1300321001032

NOTICE OF VIOLATION

Dear Property Owner:

In accordance with the CODE OF ORDINANCES CITY OF TARRANT ALABAMA, Sec. 4-110; on 08/26/22 a site visit was conducted at 92 LONG STREET, to verify alleged Violations. **THE SITE IS A RESIDENTIAL VACANT LOT WITH A 12X15 (APPROXIMATE SIZE), TYPE V, U-1 OCCUPANCY, PRE-FABRICATED, STORAGE UNIT. THIS SITE IS LOCATED IN A R-HD ZONE AND IS DESIGNATED FOR HIGH DENSITY RESIDENTIAL USE ONLY; THE SITE HAS A PRE-FABRICATED STORAGE SHED WITHOUT A PRIMARY RESIDENTIAL STRUCTURE** and as such, is in violation of the Code of Ordinances of the City of Tarrant, constituting a public nuisance and or an attractive nuisance and threat to the local residences and the community and constituents of the City of Tarrant.

The Charging sections of the City of Tarrant are provided as attached, followed by repair/correction requirements.

Sincerely,

David Casian, Chief Building Official

ATTACHMENT**TARRANT MUNICIPAL CODE****ARTICLE I. - IN GENERAL**

- Sec. 4-1. - Building inspector official—Office created.
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- Sec. 4-3. - Same—Given power of police officer; right-of-entry.
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 - International Existing Building Code (IEBC).
 - International Wildland Urban Interface Code (IWUIC).
 - International Performance Code for Buildings and Facilities (ICCPC).
 - International Property Maintenance Code (IPMC)
 - International Zoning Code (IZC).
- Sec. 4-9. - Cleanup before issuance of certificate of occupancy.
- Sec. 4-11. - Care of premises.

REQUIREMENT:

It was observed a permit was issued for this use and no site inspection signatures are noted. The lack of inspection activity within 180 days (6 months) of a permit issuance causes the permit to expire. This permit was issued in error, since a commercial business cannot operate in a R-HD zone; this area is designated for residential use and accessory structures to that use. The Inspection

Superintendent (AKA Building Official) may revoke permits issued in error in accordance with the International Building Code and the International residential Code (section 105.6 & R105.6), as adopted by the City of Tarrant. Please conform to the following:

- You must discontinue a commercial business in a designated residential zone.
- This building and property use constitutes a public nuisance in accordance with Section 4-111 and 4-112, of the Code of Ordinances of the City of Tarrant (a nuisance is any building which is, among other things; unsafe, unsanitary or unfit for human habitation or which is a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, abandonment, or accumulation of rubbish and debris).
- You, as the owners of the property, are hereby notified to have this building removed or demolished and the premises cleaned within **FORTY-FIVE (45) DAYS** from the date of this notice.

Failure or refusal to abate the nuisance may be punishable by a fine of up to \$500.00. Every day the violation continues constitutes a separate offense for which a fine may be imposed. Additionally, the city will hold a public hearing regarding the nuisance. The City may abate the nuisance or may file a lawsuit to abate the nuisance, which may include demolition, the total expense of which will be assessed against the property.

Presently, a hearing on this matter is tentatively scheduled before the Division Hearing Officer on **WEDNESDAY DECEMBER 14, 2022 at 1:00PM** (to be verified by Administration staff) at City Hall located at 1133 East Lake Blvd, Tarrant, Alabama 35217. You may attend and present evidence to the Hearing Officer on your position. Failure to attend will result in the Hearing Officer making a determination without hearing your position.

Your immediate compliance with the City of Tarrant's nuisance ordinance is respectfully requested. To assist us in responding to your questions or concerns, **we further request that all communication with this department be made in writing at the address listed above and include your telephone number.**

- The building in use does not comply with this code
- *2009 ICC International Mechanical Code (IMC).*
Heating is required for building use; this building does not comply with this code
 - *2008 National Electrical Code*
This building does not comply with this code
 - *2009 ICC International Plumbing Code (IPC), which now includes the International Private Sewage Disposal Codes.*
Sanitary facilities are required for staff and public use; this building does not comply with this code
 - *2009 ICC International Fuel Gas Code (IFGC).*

THE VIOLATIONS OBSERVED AND CHARGING SECTIONS ARE AS FOLLOWS:

Sec. 5.03. - R-HD High-Density Single-Family Zone.

This zone exists for the protection of areas, which are, or are planned to be, developed for high-density single-family dwellings, duplexes and non-residential uses that support and harmonize with high-density single-family residential development.

(a) Permitted uses.

- (1) Accessory buildings, subject to [section 4.03](#).*
- (2) Detached single-family dwellings.*
- (3) Gardens.*
- (4) Parks and playgrounds.*
- (5) public buildings (low-intensity only).*
- (6) Signs, subject to [Article 8](#).*

Sec. 4.03. - Principal and accessory buildings and structures.

Only one (1) principal building and its permitted accessory buildings may hereafter be erected on any lot in any single-family residential zone. Accessory dwellings are permitted in certain single-family zones subject to section 603.

Accessory buildings and structures, in all zones, shall be located wholly to the rear of the principal building.

ARTICLE 6. - SUPPLEMENTAL USE REGULATIONS

Sec. 6.01. - Applicability.

All uses identified in Article 5 as subject to supplemental use regulations shall comply with all applicable standards for the uses as specified within this article in addition to other requirements of this ordinance.

Sec. 6.02. - Enforcement.

*After the effective date of this ordinance, any existing building proposed for a change in use that under this ordinance is subject to supplemental use regulations, shall be required to obtain a certificate of occupancy from the building inspector stating that the structure, lot and proposed use complies with all standards for the stated use. **A certificate of occupancy required for a new building shall similarly reflect the building inspector's satisfaction that all requirements have been met for a use subject to supplemental use regulations.***

Sec. 7.01. - Off street parking.

There shall be provided, at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or before conversion from one (1) type of use or occupancy to another, permanent off-street parking in the amount specified in this article. Such parking space may be provided in a parking garage or parking lot or in driveways serving single-family dwellings and duplexes. Parking facilities provided in accordance with the terms of this ordinance shall not subsequently be reduced below the requirements of this ordinance or subsequent amendment thereto.

Sec. 11.02. - Building permit.

Building permit required. No building, sign or other structure shall be erected, moved, extended, enlarged or otherwise structurally altered until the building inspector has issued a building permit for such work. The building inspector shall not issue a building permit until conformance with the provisions of this ordinance is certified by the building inspector through the issuance of zoning approval.

A PERMIT WAS PREVIOUSLY ISSUED; HOWEVER, THE PERMIT WAS ISSUED IN ERROR

Sec. 11.04. - Certificate of occupancy.

No land, building or other structure or part thereof hereafter erected, moved, or altered following issuance of a building permit shall be occupied or utilized until the building inspector has issued a certificate of occupancy stating that such land, building, structure or part thereof is found to be in conformity with the provisions of this ordinance and the building code.

A CERTIFICATE OF OCCUPANCY WAS NEVER ISSUED FOR BUILDING USE. NO FIRE MARSHAL INSPECTION EVER OCCURRED; THEREFORE, NO OCCUPANCY LOAD HAS BEEN ESTABLISHED FOR THE BUILDING USE.

CONTINUATION OF ENFORCEMENT

ON DECEMBER 19, 2022, THE SITE OWNER COME TO MY OFFICE TO DISCUSS THE OBSERVED VIOLATIONS AND CHARGING SECTIONS OF THE TARRANT CITY

NARRATIVE/STATEMENT OF FACTS

INSPECTION DIVISION

ORDANCE. THE SITE OWNER CLAIMED HE HAD RECEIVE PREVIOUS AUTHORIZATION FOR THE SITE USE FROM THE PREVIOUS INSPECTOR DONALD FERRIS. I EXPLAINED THE APPROVAL WAS IN ERROR DUE TO THE ZONING VIOLATION OF COMMERCIAL USE IN A RESIDENTIAL AREA IN ADDITION TO THE USE OF An ACCESSORY BUILDING ON THE LOT WITHOUT A PRIMARY BUILDING; THE BUILDING IN USE IS INTENDED AS A SUPPLIMENTAL STORAGE OR UTILITY BUILDING AND DOES NOT MEET CODE REQUIREMENTS

THE LACK OF COMPLIANCE TO THE PREVIOUSLY ISSUED CORRECTION NOTICE JUSTIFIES THE ISSIENCE OF A "NOTICE OF VIOLATION" (NOV) WHICH WAS GENERATGED, MAILED BY CERTIFIED MAIL, AND POSTED AT THE SITE. THE NOTICE COMPLIANCE TIME IS SET FOR 2022

CONCLUSION

SITE OWNER MUST COMPLY WITH NOTICE TO COMPLY TO PREVENT FURTHER ENFORCEMETN AS FOLLOWS:

- DISCONTINUE BUSINESS ACTIVITY
- CONTACT UTILITY TO DISCONNECT ELECTRICAL SERVICE
- REMOVE STORAGE UNIT FROM LOT
- ARRANGE FOR INSPECTION DIVISION SITE VISIT TO VERIFY COMPLIANCE

IF COMPLIANCE IS NOT OBTAINED, CASE WILL BE REFERRED FOR FURTHER LEGAL ACTION AT THE SITE OWNERS EXPENCE



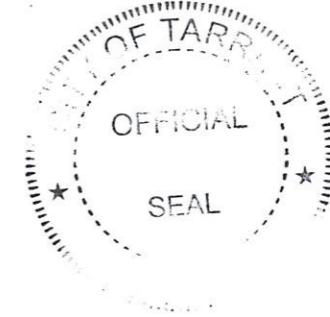
CITY OF TARRANT
VOUCHER LIST
WEDNESDAY, JANUARY 4, 2023


GENERAL FUND


51111-51134	ACCOUNTS PAYABLE RUN	\$ 114,886.50
51135-51145	ACCOUNTS PAYABLE RUN	\$ 176,724.25
51146-51155	ACCOUNTS PAYABLE RUN	\$ 18,296.19
51156	ACCOUNTS PAYABLE RUN	\$ 261.12

GROSS PAYROLL

12/23/2022	PAY PERIOD 12/03/2022-12/16/2022	\$ 108,897.15
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<u>Bank Name</u>	<u>Bank Number</u>			
General Fund				
<u>Payment Number</u>	<u>Vendor Name</u>	<u>Vendor ID</u>	<u>Payment Date</u>	<u>Payment Amount</u>
51111	Action Tire Co.	8	12/16/2022	\$75.00
51112	Baker & Taylor Entertainment	208	12/16/2022	\$26.98
51113	Birmingham Water Works	16	12/16/2022	\$16,143.20
51114	CIVICPLUS	3226	12/16/2022	\$7,010.10
51115	Community Urgent Care Of Fulto	2100	12/16/2022	\$135.00
51116	Deere & Company	2039	12/16/2022	\$59,159.10
51117	Dell Financial Services	975	12/16/2022	\$133.79
51118	Drew Reece	3232	12/16/2022	\$500.00
51119	Econo Printing Service, Inc.	598	12/16/2022	\$176.76
51120	Genesis Tire	1291	12/16/2022	\$3,511.32
51121	Greater Birmingham	1503	12/16/2022	\$1,549.10
51122	Lowe's	258	12/16/2022	\$1,198.29
51123	Massey,Stotser & Nichols, Pc	1906	12/16/2022	\$11,832.00
51124	Monarch Recovery Management, INC	3237	12/16/2022	\$92.70
51125	Municipal And Commercial Uniform And Equipment, Inc.	134	12/16/2022	\$4,070.85
51126	Orbis Machinery Birmingham	3236	12/16/2022	\$1,467.90
51127	Rent One Llc	2020	12/16/2022	\$836.33
51128	Republic Services #802	60	12/16/2022	\$1,959.59
51129	ROBERT SUMMERS	3211	12/16/2022	\$500.00
51130	Spire	1704	12/16/2022	\$1,447.83
51131	Stryker	1905	12/16/2022	\$1,403.35
51132	Trigreen Equipment, Llc	683	12/16/2022	\$1,254.04
51133	Xerox Business Services Llc	1632	12/16/2022	\$108.18
51134	Xerox Corporation	1859	12/16/2022	\$295.09
			Bank Total:	\$114,886.50
			Bank Payment Count:	24

<u>Bank Name</u>	<u>Bank Number</u>				
General Fund					
<u>Payment Number</u>	<u>Vendor Name</u>	<u>Vendor ID</u>	<u>Payment Date</u>	<u>Payment Amount</u>	
51135	Alabama Child Support	37	12/21/2022	\$1,124.41	
51136	Annette Manning	2070	12/21/2022	\$269.98	
51137	City Of Tarrant	32	12/21/2022	\$765.77	
51138	Drew Reece	3232	12/21/2022	\$500.00	
51139	Forestry Environmental	1535	12/21/2022	\$138,488.09	
51140	Frazer Environmental	1934	12/21/2022	\$9,000.00	
51141	Goodwyn, Mills And Cawood, Inc	540	12/21/2022	\$25,500.00	
51142	Jam Food Company, Inc	3238	12/21/2022	\$611.69	
51143	Sam's Club	3239	12/21/2022	\$388.31	
51144	Southern States	1244	12/21/2022	\$46.00	
51145	United Way Of Central Alabama	241	12/21/2022	\$30.00	
			Bank Total:	\$176,724.25	
			Bank Payment Count:		11

Bank Name
General Fund

Bank Number
██████████

<u>Payment Number</u>	<u>Vendor Name</u>	<u>Vendor ID</u>	<u>Payment Date</u>	<u>Payment Amount</u>
51146	Bradford W. Caraway	2121	12/21/2022	\$311.54
51147	City Of Tarrant Petty Cash	1882	12/21/2022	\$299.72
51148	Decatur Electronics Communications, LLC	3227	12/21/2022	\$5,474.68
51149	Moses Electrical Service Llc	1987	12/21/2022	\$450.00
51150	RecDesk LLC	3240	12/21/2022	\$5,300.00
51151	Spire	1704	12/21/2022	\$338.65
51152	Virtual Academy	2049	12/21/2022	\$855.00
51153	Vision Service Plan	1733	12/21/2022	\$344.50
51154	Vulcan Construction	250	12/21/2022	\$1,422.10
51155	We R Smart Llc	1887	12/21/2022	\$3,500.00
Bank Total:				\$18,296.19
Bank Payment Count:				10

<u>Bank Name</u>	<u>Bank Number</u>			
General Fund				
<u>Payment Number</u>	<u>Vendor Name</u>	<u>Vendor ID</u>	<u>Payment Date</u>	<u>Payment Amount</u>
51156	Sam's Club	3239	12/28/2022	\$261.12
			Bank Total:	<u>\$261.12</u>
			Bank Payment Count:	1

TARRANT ELECTRIC DEPARTMENT

VOUCHER LIST WEDNESDAY, JANUARY 4, 2023

GENERAL FUND

41829-41847	ACCOUNTS PAYBALE RUN	\$ 13,536.26
41848-41858	ACCOUNTS PAYBALE RUN	\$ 22,803.39
GROSS PAYROLL		
12/22/2022	PAY PERIOD 12/03/2022-12/16/2022	\$ 31,290.11

System: 12/27/2022 12:07:37 PM
User Date: 12/27/2022

City of Tarrant Electric Depar
COMPUTER CHECK REGISTER
Payables Management

Page: 1
User ID: jcash

Batch ID: CHK12272022
Batch Comment:

Audit Trail Code: PMCHK00000926
Posting Date: 12/27/2022

Checkbook ID: EL02

* Voided Checks

Check Number	Date	Payment Number	Vendor ID	Check Name	Amount
41848	12/27/2022	00000000000011811	001756	SHUKRI MUWWAKKIL	\$270.00
41849	12/27/2022	00000000000011812	154	ANSWERTEL	\$2,780.80
41850	12/27/2022	00000000000011813	295	CENTRAL SERVICE ASSOCIATION	\$6,269.40
41851	12/27/2022	00000000000011814	3377	CORDELL SMITH	\$270.00
41852	12/27/2022	00000000000011815	479	ADS SECURITY	\$434.16
41853	12/27/2022	00000000000011816	553	HAND ARENDALL HARRISON SALE L	\$11,515.00
41854	12/27/2022	00000000000011817	672	LIBERTY NATIONAL LIFE INSURANC	\$384.35
41855	12/27/2022	00000000000011818	8427	LARVELL M. STEWART	\$270.00
41856	12/27/2022	00000000000011819	983	KIMBALL A. KARMONDI	\$270.00
41857	12/27/2022	00000000000011820	CSM004353	ANTHONY OWENS	\$39.68
41858	12/27/2022	00000000000011822	CSM005597	RAISHANDRIA HARRIS	\$300.00

Total Checks: 11

Checks Total: \$22,803.39
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Batch ID: CHK12212022
 Batch Comment:

Audit Trail Code: PMCHK0000925
 Posting Date: 12/21/2022

Checkbook ID: EL02

* Voided Checks

Check Number	Date	Payment Number	Vendor ID	Check Name	Amount
41829	12/21/2022	00000000000011792	001756	SHUKRI MUHWAKKIL	\$540.00
41830	12/21/2022	00000000000011793	1175	TENNESSEE VALLEY PUBLIC	\$939.25
41831	12/21/2022	00000000000011794	1220	VANGUARD ALLIANCE	\$1,916.22
41832	12/21/2022	00000000000011795	1237	HAYDEN WALKER	\$78.22
41833	12/21/2022	00000000000011796	1240	BIRMINGHAM WATER WORKS BOARD	\$88.30
41834	12/21/2022	00000000000011797	15700	SOUTHERN CASH SOLUTION	\$420.00
41835	12/21/2022	00000000000011798	163	AUTO ZONE	\$126.88
41836	12/21/2022	00000000000011799	29	ACTION TIRE COMPANY	\$560.20
41837	12/21/2022	00000000000011800	295	CENTRAL SERVICE ASSOCIATION	\$6,573.70
41838	12/21/2022	00000000000011801	4325	RICKEY ELLISON	\$167.75
41839	12/21/2022	00000000000011802	434	EMERALD TRANSFORMER	\$45.53
41840	12/21/2022	00000000000011803	7001	TIMOTHY POWELL O'TASTE & SEE,	\$450.00
41841	12/21/2022	00000000000011804	725	MAYER ELECTRIC SUPPLY COMPANY,	\$37.92
41842	12/21/2022	00000000000011805	8427	LARVELL M. STEWART	\$540.00
41843	12/21/2022	00000000000011806	911	QUILL CORPORATION	\$278.96
41844	12/21/2022	00000000000011807	CSM000558	ADRIENNE T TOWNSEND	\$242.69
41845	12/21/2022	00000000000011808	CSM004149	HAREDH MOHAMED	\$219.69
41846	12/21/2022	00000000000011809	CSM005639	LYNDEN E MALCOM	\$123.66
41847	12/21/2022	00000000000011810	CSM005766	MIA BESTER	\$187.29

Total Checks: 19

Checks Total: \$13,536.26
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