

ORDINANCE NO. 1766

AN ORDINANCE DISCONTINUING THE ISSUANCE OF BUILDING PERMITS OUTSIDE OF THE CORPORATE LIMITS WITHIN THE POLICE JURISDICTION AND REPEALING ORDINANCE NO. 1129 REGARDING THE ISSUANCE OF BUILDING PERMITS WITHIN THE POLICE JURISDICTION OF THE CITY OF FAIRHOPE, SECTION 7-16 OF THE CITY OF FAIRHOPE CODE OF ORDINANCES

WHEREAS, Baldwin County enforces ordinances regarding the issuance of building permits, regulation of the construction of buildings, and enforcement of building codes in the County outside of the corporate limits of the City of Fairhope; and

WHEREAS, Baldwin County has provided notice to the City of Fairhope of its intent to assume responsibility for the issuance of building permits, regulation of the construction of buildings, and enforcement of building codes outside of the corporate limits of the City of Fairhope and within Fairhope's police jurisdiction pursuant to Alabama Code § 11-40-10(b)(2) in accordance with changes to the law created by Act 2021-297 (SB107).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

Pursuant to Alabama Code § 11-40-10(b)(2) and the changes created by Act 2021-297 (SB107), the City of Fairhope hereby discontinues the issuance of building permits outside of the corporate limits of Fairhope within Fairhope's police jurisdiction for Baldwin County to assume responsibility for regulation of all new building permit applications and enforcement of building codes outside of the corporate limits of the City of Fairhope. Additionally, the City of Fairhope City Council repeals the following Section of the City of Fairhope Code of Ordinances: Section 7-16. "Issuance of Building Permits: The City shall start issuing building permits with the Police Jurisdiction of the City of Fairhope."

The Fairhope Building Department shall work with the Baldwin County Building Department to coordinate the transition and appropriate oversight of building projects outside of the corporate limits in Fairhope's police jurisdiction. The City of Fairhope Building Department will continue with the inspection of the construction of buildings, enforcement of building codes, and regulation of buildings where the City has either (1) received a building permit application or (2) has issued a building permit prior to December 31, 2022 in Fairhope's police jurisdiction until such time as building completion, a certificate of occupancy is issued or as otherwise set forth under Alabama law.

Severability Clause. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

Effective Date. This ordinance shall take effect January 1, 2023, and upon its due adoption and publication as required by law.

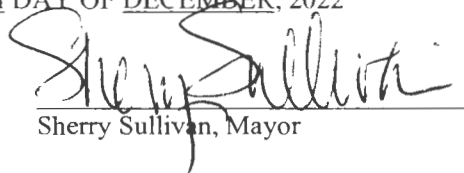
ADOPTED THIS THE 12TH DAY OF DECEMBER, 2022



Jay Robinson, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

ADOPTED THIS THE 12TH DAY OF DECEMBER, 2022


Sherry Sullivan, Mayor

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FAIRHOPE COURIER
on Wednesday, December 21, 2022
 City Clerk