

RECOMMENDED BY: THE COMMITTEE OF THE WHOLE

SUBMITTED BY: THE CITY ATTORNEY

ORDINANCE NO. 17-63

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE GENERAL CODE OF THE CITY OF BIRMINGHAM, ALABAMA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED by the Council of the City of Birmingham as follows:

SECTION 1. The Code entitled "The General Code of the City of Birmingham, Alabama," comprised in Volume I and consisting of Part 1, titles 1 through 12, each inclusive, as published by Municipal Code Corporation, is hereby adopted. Volume II of "The General Code of the City of Birmingham, Alabama," as published by Municipal Code Corporation and consisting of Part 2, the Mayor Council Act, as updated in the course of the recodification process, and Part 3, consisting of Appendix A containing the Schedule of Business Licenses, as updated in the course of the recodification process; Appendix B containing Ord. No. 97-91 (Stormwater Fees), which shall remain unchanged from its original passage; Appendix C containing the Subdivision Regulations, as updated in the course of the recodification process; Appendix D containing the Zoning Ordinance, as updated in the course of the recodification process, are to be included in the publication of this code.

SECTION 2. All ordinances of a general and permanent nature enacted on or before April 1, 2014, and not included in the Code or recognized and continued in force by reference therein, are repealed. Provided, however, that the following ordinances are specifically saved from repeal: Ordinance No. 63-3; Ordinances 1155-F and 1276-F; Ordinance 94-122; and Ordinance 08-191, as amended.

SECTION 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00 or by imprisonment in the city jail, workhouse or house of correction or at hard labor upon the streets or public works for not exceeding six months; provided, however, that in the enforcement of the penalties prescribed in Code of Ala. 1975, § 32-5A-191, as amended, "Driving while under the influence of alcohol or controlled substances, etc.," the fine shall not exceed \$5,000.00 and any sentence of imprisonment or hard labor shall not exceed one year and the maximum fine for every person convicted for misdemeanor theft crimes and certain other misdemeanor crimes based on monetary value that are enumerated in Code of Ala. 1975, § 11-45-9(d), as amended, shall be \$1,000.00 and any sentence of imprisonment or hard labor for such crime shall not exceed six months. Each act of violation and each day upon which any such violation shall continue or

occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the City to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

SECTION 6. Ordinances adopted after April 1, 2014 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

SECTION 7. On or prior to the date of this ordinance, a copy of the Code shall be deposited in the Jefferson County Law Library.

SECTION 8. This ordinance shall become effective when published as required by law.

Adopted by the Council May 30, 2017 and Approved by the Mayor June 6, 2017



A CERTIFIED COPY
Leo Frazier, City Clerk
Birmingham, AL
Leo Frazier