

ORDINANCE NO. 2026 - 23

TO CREATE A NEIGHBORHOOD ENHANCEMENT PROGRAM WITHIN THE CITY OF CULLMAN, ALABAMA

BE IT ORDAINED BY THE CULLMAN CITY COUNCIL, AS FOLLOWS:

Section I. Purpose.

1. The purpose of this Ordinance is to provide guidelines for the removal of blighted and/or dangerous structures and reconstruction of high-quality residential homes in the City of Cullman, Alabama, promoting the public good and general welfare of our citizens through promoting economic development, trade, commerce, housing, industry, and employment opportunities in the City of Cullman, Alabama.

Section II. Development Area.

1. Development Area is the corporate limits of the City of Cullman, Alabama.

Section III. Qualifying Structure.

1. A qualifying structure, as determined by the Chief Building Official, is a blighted or dangerous "residential" structure that needs to be demolished and removed, which is located within the city limits of Cullman, Alabama.

Section IV. Residential Enhancement.

1. Residential Enhancement, subject to approval by the Chief Building Official, is the construction of a new residential structure with all exterior walls, including exposed foundation walls, being clad with the approved masonry materials. Smooth-faced standard concrete block is prohibited. Masonry cladding shall extend from grade to roof eaves. Gable end walls and dormers may be clad with any material permitted by the International Residential Code.

Section V. Non-Conforming Lots.

1. A Non-Conforming Lot is a property located in the city limits of Cullman that does not comply with the current zoning regulations due to subsequent changes in zoning laws.

Section VI. Neighbor Enhancement Incentive Program.

1. Residential Enhancements on a non-conforming lot will qualify for reimbursement up to ten thousand dollars (\$10,000.00).
2. The removal of a qualifying structure and replacing with a residential enhancement will qualify for reimbursement up to twenty thousand dollars (\$20,000.00).

Section VII. Legal Authority.

- A. Amendment No. 772 of the Constitution of Alabama of 1901, as amended.
- B. Compliance with Amendment No. 772:
 1. Any proposed action under Amendment No. 772 must be taken at a public meeting.
 2. Notice describing the proposed action and those individuals and/or businesses to benefit therefrom must be published at least seven days in advance.

Section VIII. Process.

- A. Applications to and approval by the City Council of the City of Cullman, Alabama, upon recommendation by the Chief Building Official.
- B. The Applications shall be in written format to Chief Building Official.

Section IX. Program Requirements.

- A. Improvements made in accordance with conditions and standards shall be approved by the City in advance.
- B. Improvements made by licensed/bonded contractor(s).
- C. Building permit obtained from the City prior to start of work.
- D. Containers for debris removal and construction waste must be obtained from the City of Cullman.

Section X. Amount; Payment Aid.

- A. (i) Up to \$10,000.00 for residential enhancement on a non-conforming lot;
- B. (ii) Up to \$20,000.00 for the removal of a qualifying structure and replacing with a residential enhancement;
- C. Paid upon written request with invoices of approved work after inspection by the City Building Department.

Section XI. Unlawful Acts.

It shall be unlawful for any property owner covered by this Ordinance to fail to comply with each and every requirement hereunder, and it shall be deemed a nuisance.

Section XII. Penalties.

- A. Each of the unlawful acts defined in this Section is hereby declared to be a public nuisance and in the event the owner or person in charge of any premises upon which conditions or such other unsanitary conditions exist, fails to make such premises completely safe and sanitary or to remove the cause of such nuisances within ten days after written notice by the building inspector, fire marshal or their designee, or the health officer to do so, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-19 and Section 32-128.
- B. Each day the owner or person in charge of any premises shall allow such condition or nuisance to continue, after having received ten days written notice to abate same, shall constitute a separate offense and, upon conviction thereof, such owner or person in charge shall be punished as herein provided. Section 32-129.
- C. Should the owner or such person in charge of premises subject to conditions described in this Section fail or refuse to abate such nuisance upon being notified to do so, then the City is authorized to do such work at the expense of the owner of such property, the cost thereof to be a lien upon the property and to be collected as any other debts are collected or liens enforced. Section 32-130.
- D. The amount of the cost of abatement of a nuisance by the City, including all court costs, appraisal fees, administrative costs, attorney's fees, and all other costs necessarily associated with the abatement action, shall constitute a lien against the real property upon which such costs were incurred. The lien provided for in this section shall be perfected and foreclosed as provided by state law.
- E. Any judge of the municipal court of the City shall have the power to order the removal, abatement, demolition, fine or other appropriate judicial remedy of those things which are declared either by this article, state law or federal law to be nuisances, or which are nuisances per se, and from their nature indisputably are so.
- F. Summary abatement, without notice to the owner thereof, shall only occur where the nuisance is of imminent and serious danger to the health, safety, or general welfare of the citizens of the City and the owner or occupant cannot be notified.

Section XIII. Subject to Law-Imposed Requirement.

The amounts provided by the City under this program are, in accordance with Johnson v. Sheffield, 183 So. 265 (Ala. 1938), subject to the law-imposed requirement that, if necessary, there must first be paid from all funds and revenues of the City the legitimate and necessary governmental expenses of operating the City.

Section XIV. Severability Clause.

Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

Section XV. Effective Date.

This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED BY THE COUNCIL this the 26th day of January, 2026.

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR this the 26th day of January, 2026.

Mayor