

November 5, 2007

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

The City Council of the City of Athens, Alabama, met in regular session at the Athens Police Department Court Room at 951 Hobbs Street East in the said City on November 5, 2007, at 5:30 p.m. The meeting was called to order by Councilman John M. Crutcher, President of the Council. Upon roll call, the following were found to be present: Councilmembers Johnny Crutcher, Harold Wales, Jimmy Gill and Ronnie Marks. Councilmember Mildred Caudle was absent. Mayor Williams was present. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. John M. Crutcher offered the invocation and Mayor Williams led the Pledge of Allegiance. The Chairman stated that a quorum was present and that the meeting was open for the transaction of business.

The Chairman stated that the Minutes of the October 22, 2007 City Council Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Marks and was unanimously carried. The Chairman stated that the Minutes of the October 22 and October 31, 2007 City Council Work Session Minutes had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Marks and was unanimously carried.

Jennifer Elliott with the Muscular Dystrophy Association presented the Fire Department with a certificate of appreciation for their support.

**Councilman Marks introduced the following ordinance:**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1657

**AN ORDINANCE FURTHER AMENDING SECTION 6-33 AND  
SECTION 6-34 OF THE CITY CODE, RELATING TO THE  
LOCATION OF PREMISES SELLING ALCOHOLIC  
BEVERAGES IN B-4 ZONING DISTRICTS**

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**WHEREAS**, the City Council of the City of Athens desires to exercise its police powers, set forth in § 11-45-1 of the *Code of Alabama* and elsewhere, to further regulate the location of the sale of alcoholic beverages in the City; and

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS,**  
**ALABAMA** while in regular session on November 5, 2007 at 5:30 p.m., as follows:

**Section 1.** Section 6-33 of the Code of Ordinances of the City of Athens is hereby amended to add the following definition to the list of definitions set forth therein, as follows:

*Specialty Beverage Store* means an establishment principally operated for the sale of a diversified selection of both domestic and imported beer and/or wine, but not liquor, in

unopened containers for off-site consumption. Such establishments may apply for the following licenses: (i) Retail table wine for off-premises consumption, and (ii) Retail beer license for off-premises consumption.

In addition, the owner of a Specialty Beverage Store may apply with the City of Athens for an on-premises beer and wine license for the purpose of offering up to no more than two wine/beer tastings per month of their product. With respect to these tastings, no alcohol shall be served free-of-charge. In such case, the establishment may also apply for a Retail table wine license for on-premises consumption, and (ii) Retail beer license for on-premises consumption.

*Merchandise Store with Incidental Table Wine Sales* means an establishment principally operated for the sale of apparel, home décor, art, jewelry, antiques, or specialty gift merchandise, and that also offers the sale of a diversified selection of both domestic and imported table wine, but not beer or liquor, in unopened containers for off-site consumption. Such establishments may apply for a license for retail table wine for off-premises consumption. The sale of alcoholic beverages shall be no more than ten percent of its gross annual sales, and no more than 15% of the public floor space may be dedicated to the public display of alcoholic beverages.

In addition, the owner of a Merchandise Store with Incidental Table Wine Sales may apply with the City of Athens for an on-premises wine license for the purpose of offering up to two wine tastings per month of their product. With respect to these tastings, no alcohol shall be served free-of-charge. In such case, the establishment may also apply for a Retail table wine license for on-premises consumption.

**Section 2.** Section 6-34(a) of the Code of Ordinances of the City of Athens is hereby amended to read as follows:

Section 6-34. Restriction of Location of Sale of Alcoholic Beverages.

(a) In addition to all other regulations and restrictions, no facility or property located in a B-4 zone shall be authorized for on-premises sale or off-premises sale of alcoholic beverages, except for the following:

- (1) Class I Restaurants licensed to sell alcoholic beverages for on-premises consumption;
- (2) Class II Restaurants licensed to sell alcoholic beverages for on-premises consumption;
- (3) Convenience Stores licensed to sell beer and/or table wine for off-premises consumption;
- (4) Grocery Stores licensed to sell beer and/or table wine for off-premises consumption;
- (5) Specialty Beverage Stores with respect to beer and/or table wine;
- (6) Merchandise Store with Incidental Table Wine Sales; and
- (7) Persons holding a Special Events Retail License for on-premises consumption.

**Section 3.** This ordinance shall become effective upon its adoption and publication as required by law.

**Section 4.** If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

**Section 5.** The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Athens as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

ADOPTED and APPROVED this, the 5th day of November, 2007.

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ Dan Williams  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton  
CITY CLERK, CITY OF ATHENS, ALABAMA

ATTEST:

\_\_\_\_\_  
JOHN HAMILTON, CITY CLERK

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA )

LIMESTONE COUNTY )

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the \_\_\_\_ day of \_\_\_\_\_, 2007.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
John Hamilton, City Clerk

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Wales, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, and Marks; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Marks thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Gill and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, and Marks; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilman Gill moved the adoption of the following resolution:**

RESOLUTION

WHEREAS, the City Council of the City of Athens (hereinafter at times referred to as Governmental Body) is desirous of having certain improvements made on CR-24 at the Intersection of Interstate-65 in accordance with plans prepared by the Alabama Department of Transportation and designated as Project NCPD-I065 (332) from Station 122 + 82.00 and described as I-65 Interchange at CR-24 East of Tanner to the point of ending at Station 189 + 13.00, for a total distance of 6631.00 feet or 1.254 miles.

WHEREAS, the Alabama Department of Transportation of Alabama is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, the Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the Governmental Body will agree to certain requirements of the Federal Highway Administration. The Governmental Body for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the City Council of the City of Athens, that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City Council and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its City Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as

will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

See Plans: NCPD-I065(332)

BE IT FURTHER RESOLVED by the City Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project, shall be in accordance with the latest edition of the Alabama Highway Administration Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by this City Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads

and that are not designated Federal or State highways that are in the jurisdiction of the City.

2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same.
3. That the City agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line where applicable.
4. That the City agrees to perform all maintenance on grade separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

It is understood and agreed that no changes in this Resolution of Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

ADOPTED and APPROVED this, the 5th day of November, 2007.

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ Dan Williams  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton  
CITY CLERK, CITY OF ATHENS, ALABAMA

STATE OF ALABAMA

Limestone County

I, \_\_\_\_\_, City Clerk of the City of Athens, Alabama do certify the above and foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Athens, Alabama at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, as the same appears in Minute Book \_\_\_\_\_, Page \_\_\_\_\_ of said City of Athens.

Given under my hand and the corporate seal of the City of Athens, Alabama this the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Clerk

The motion was seconded by Councilman Marks and was unanimously carried.

**Councilman Wales introduced the following ordinance:**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1658

**AN ORDINANCE REGARDING THE USE OF EXPLOSIVES  
AND AMENDING CHAPTER 38 OF THE CITY CODE WITH  
RESPECT TO THE SAME**

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**WHEREAS**, since at least 1964, the City of Athens has required by ordinance that no person may explode dynamite or any other explosives within the City without first obtaining a permit, and the violation of such ordinance has been punishable by a fine and imprisonment for up to 6 months in jail;

**WHEREAS**, the City of Athens' ordinance, and the application and interpretation thereof, has been applied and interpreted in a more stringent fashion than the later-enacted Alabama Explosives Safety Act of 1993; and

**WHEREAS**, the Athens City Council wishes to enact an ordinance to further provide for the safety and security of its citizens, and for the responsible use, where necessary, of explosives within the City;

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** while in regular session on November 5, 2007 at 5:30 p.m., as follows:

**Section 1.** Article 1 of Chapter 38 of the Code of Ordinances of the City of Athens shall be amended to read as follows:

**Article I. Blasting**

**Division 1. Generally**

**Sec. 38-1. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Explosives* means any substance, chemical compound or mechanical mixture that is commonly used for the purpose of producing an explosion to demolish a structure and to fragment rock for mining, quarrying, excavation and construction. Initiating devices (detonators, detonating cords, etc.) are also included under this definition.

**Sec. 38-2. Penalties.**

Any person who violates or fails or refuses to obey or comply with any provision of this article or submits any false information required by this article shall be guilty of a misdemeanor.

**Sec. 38-3. Purpose.**

This article establishes standards intended to eliminate and reduce unnecessary and excessive airblast overpressures, ground vibrations, and dust which are physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business. The standards established in this article apply to the detonation of explosives used to demolish a structure and to fragment rock for mining, quarrying, excavation, and construction within the city limits.

**Sec. 38-4. Scope; jurisdiction.**

This article does not replace or negate the requirements pertaining to explosives as contained in the International Fire Code, 2003 edition, as amended, or any rule or regulations of any governmental agency. The requirements of this article supplement the City's fire code and such other regulations. To the extent that this article contains a stricter rule with respect to a person utilizing explosives or the use thereof, the stricter rule should be followed.

**Sec. 38-5. Exemptions.**

Nothing contained in this article shall be construed as applying to the regular military or naval forces of the United States, the duly authorized militia of the state, the police and fire departments in the proper performance of their duty, or to any other person only to the extent that such person is exempted therefrom due to state or federal law.

**Sec. 38-6. Citations.**

The Fire Chief and any person acting under his supervision is authorized to issue citations to appear in municipal court to answer charges of violations of any of the provisions of this article.

**Sec. 38-7. Exceptions based on undue hardship.**

(a) Applications for a permit for exception from the standards or requirements designated in this article may, on the basis of undue hardship, be made to the Fire Chief. Any permit granted under this article shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The Fire Chief may grant the exception as applied for only if:

(1) The activity or operation will be of a temporary duration, i.e., a limited number of blasts at a specific site, and cannot be done in a manner that would comply with this article;

(2) No other reasonable alternative is available to the applicants; and

(3) Applicants represent, and the Fire Chief finds, that blasting as permitted will not violate recognized safety standards.

(b) Upon the issuance of any exception permit, the Fire Chief may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community.

**Sec. 38-8. Inspection and monitoring.**

The Fire Chief or his authorized representative may conduct tests and observe any authorized blasting operations, and may also order that persons holding blasting permits measure the ground vibration and airblast overpressure during blasting operations using approved instrumentation.

**Sec. 38-9. Notifications.**

(a) Any person detonating explosives shall first notify the Fire Chief that a blast is planned. Such notification shall be received at least twenty four hours prior to the planned detonation and shall give the time (within 30 minutes), location where the blasting is to be done, the amount of explosives to be used, and the name and business address of the person responsible for the blasting operation.

(b) No blasting operations are permitted after 5:00 pm or Saturday or Sundays. This additional notification period is needed to allow sufficient time to coordinate monitoring of the blast at times which is not considered by personnel of the division to be normal work hours. The notification may be given orally over the telephone; however, the burden of proof as to whether the notification was in fact received rests with the person responsible for the blasting operation.

**Sec. 38-10. General restrictions.**

(a) When blasting operations, other than blasting operations at limestone quarries, are performed within 2,000 feet of any structure, railway or highway, the blast shall be covered before detonation with a minimum of three feet of clean fill dirt and/or a mat constructed so that it is capable of preventing fragments from being thrown.

(b) Blasting detonations are allowed only during daylight hours, but not earlier than 7:00 a.m. local time.

(c) A certified blaster and at least one other person shall be present during the firing of all blasts.

(d) In addition to the requirements herein, any person utilizing explosive material, must comply with all of the requirements of the Alabama Explosives Safety Act of 1993, as now enacted or later amended, unless such person is specifically exempted therefrom.

(e) In addition to the requirements herein, any person utilizing explosive material must comply with all of the federal and state rules and regulations governing the use of explosives, including but not limited to those rules and regulations adopted by the State Fire Marshal's Office.

State Law References: Ala. Code § 8-17-242 (1975); Ala. Admin. Code § 482-2-101 (adopting 2003 edition of NFPA 495).

**Sec. 38-11. Vibration and airblast overpressure levels.**

(a) Allowable ground vibration and airblast overpressure levels resulting from the detonation of explosives shall be as provided in NFPA 495 (issued by the National Fire Protection Association), or as otherwise required by the rules and regulations approved by the State Fire Marshal's Office. Notwithstanding the same,

(1) with respect to ground vibration, levels not to be exceeded at any time are 0.50 inch per second peak particle velocity for frequencies below 40 Hz (although this shall not be construed so as to allow peak particle velocities of up to .50 inch per second where the same are not permitted by NFPA 495, or as otherwise set forth by the rules adopted by the State Fire Marshal's Office) and 2.00 inches per second for frequencies equal to and greater than 40 Hz; except that if the measured ground vibration level continuously exceeds 0.50 inch per second particle velocity after a period of one second following the maximum particle velocity, the charge weight per delay shall be reduced so that the particle velocity does not exceed 0.50 inch per second; and

(2) with respect to airblast overpressure, levels not to be exceeded at any time are 129 peak dB<sub>L</sub> (linear) – 0.1 Hz high-pass system; 128 peak dB<sub>L</sub> (linear) – two Hz high-pass system; and 124 peak dB<sub>L</sub> (linear) – five or six Hz high-pass system.

(b) The requirements established within this section apply to any property of concern but no closer than at or beyond the property line of property under the control--through ownership or lease or other contractual arrangement--of persons having the blasting operation performed. Where a conflict exists regarding the location or determination of which property line applies, the nearest building structure shall be considered as being at or beyond the property line of persons having the blasting operation performed.

#### **Sec. 38-12. Instrumentation.**

(a) Unless otherwise approved by the Fire Chief, a three-component direct reading velocity instrument with a frequency response of five Hz or below to 200 Hz and adhering to the design criteria for portable seismographs as outlined in U.S. Department of Interior, Bureau of Mines report RI 8506, "Measurement of Blast-Induced Ground Vibrations and Seismograph Calibration," shall be used for determining compliance with the ground vibration limits specified in section 38-11. The minimum frequency ranges for ground vibration instrumentation are two to 150 Hz for quarry blasting and five to 200 Hz for construction and excavation blasting. The maximum allowable peak particle velocity shall apply to each of the three components.

(b) Unless otherwise approved by the Fire Chief, an airblast channel having a frequency range of 0.1 to 200 Hz, two to 200 Hz, or five or six Hz to 200 Hz on a blasting seismograph shall be used for determining compliance with the airblast overpressure levels specified in section 38-11. The instrumentation shall adhere to the design criteria and operational guidelines as outlined in U.S. Department of Interior, Bureau of Mines report RI 8508, "Airblast Instrumentation and Measurement Techniques for Surface Mine Blasting."

(c) Instruments shall be operated in accordance with the instrument manufacturer's instructions. Instrument measurements shall be considered valid only when ambient levels are less than 0.1 inch per second and ten dB<sub>L</sub> lower than the levels of the explosive blast being measured. Therefore, all instruments

shall be set to trigger no higher than 0.3 inch per second and 118 dB<sub>L</sub> on two Hz high-pass systems for monitoring purposes.

**Sec. 38-13. Records.**

Persons responsible for blasting operations shall maintain a record of each blast. All records shall be retained at least three years and shall be available for inspection by the Fire Chief and shall contain the following minimum data:

- (1) Name of person responsible for the blasting operation.
- (2) Location, date and time of blast.
- (3) Name of blaster in charge.
- (4) Type of material blasted.
- (5) Number of holes, burden and spacing.
- (6) Diameter and depth of holes.
- (7) Types of explosives used.
- (8) Amount of explosives used.
- (9) Maximum amount of explosives per delay period of eight milliseconds or greater.
- (10) Maximum number of holes per delay period of eight milliseconds or greater.
- (11) Method of firing and type of circuit.
- (12) Weather conditions (including such factors as wind directions, etc.).
- (13) Height or length of stemming.
- (14) If mats or other protections were used.
- (15) Type of detonators used and delay periods used.
- (16) Seismograph and airblast readings when measured.

**Division 2. Permit**

**Sec. 38-14. Required.**

Any person detonating explosives within the city limits shall first obtain a business licensee to conduct work with the corporate limits of the City of Athens, Alabama and obtain authorization for such activity from the Fire Chief in the form of a blasting permit.

**Sec. 38-15. Applications.**

Applications for blasting permits required by this division shall be in the form prescribed by the Fire Chief and shall give all the information necessary to enable the Fire Chief to make the determinations required in this division.

**Sec. 38-16. Fees.**

(a) Fees for a permit required by this division shall be paid at the time of application in the following amounts:

| Projected Cubic Yards | Base Price + | Cost per Cubic Yard |
|-----------------------|--------------|---------------------|
| 0—300                 | \$250.00     | \$0.15              |
| 301—1,000             | 250.00       | 0.25                |
| 1,001--2,500          | 250.00       | 0.30                |
| 2,501--10,000         | 250.00       | 0.33                |
| Over 10,000           | 250.00       | 0.35                |

In no event shall the permit fees exceed \$9,000.00 in a calendar year for the same blasting location. Fees shall be made payable to the City and shall be nonrefundable.

(b) Projections for cubic yardage shall be provided to the Fire Chief at the time of application.

(c) Projections shall be supported by surveys, bid proposals and/or contractor expertise. The Fire Chief shall have final judgment on projected cubic yardage. If the Fire Chief disputes the projected cubic yardage, he shall notify the applicant in writing, within 30 days, of the reason. The applicant may at any time provide an engineering survey, certified by a professional engineer, to substantiate any cubic yardage projections. This survey shall be recognized as true and accurate by the Fire Chief.

**Sec. 38-17. License/Certificate required.**

Upon submitting an application for a blasting permit, the applicant must supply proof to the Fire Chief that said applicant is properly licensed and/or certified by the State Fire Marshal’s Office, and that said applicant is properly insured as required by state law. Blasting permits shall be issued only to persons properly certified and/or licensed by the State Fire Marshal’s Office.

**Sec. 38-18. Action on application.**

The Fire Chief shall act, within a reasonable time, on an application for a blasting permit and shall notify the applicant in writing of its approval, conditional approval or denial.

**Sec. 38-19. Denial of application.**

In the event of a denial of a blasting permit, the Fire Chief shall notify the applicant in writing of the reason for denial. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service.

**Sec. 38-20. Bond or Insurance required.**

Before a blasting permit is issued, the applicant shall file with the Fire Chief a corporate bond in the principal sum of \$500,000.00, or a public liability insurance policy, including explosion, collapse and underground coverage with identical limits, for the purpose of the payment of all damages to persons or property which may arise from or be caused by the conduct of any act authorized by the blasting permit upon which any legal judgment results. The principal sum of the bond shall be increased to \$1,000,000.00 if a person applies for more than one blasting permit at a time. The Fire Chief may specify a greater amount when, in his opinion, conditions at the location of the proposed blasting operation indicate that a greater amount would be sufficient for the purposes of payment of all damages to persons or property which may arise from or be caused by the conduct of such blasting. Public agencies are exempt from the bond requirements of this section.

**Sec. 38-21. Compliance with conditions.**

Blasting permits may be issued subject to specific conditions, consistent with standards provided in this division, in which case the conditions shall be specified in writing. Among other things, where the safety and security of persons and property are at issue, the Fire Chief may issue greater restrictions and conditions than are otherwise required by this article. These conditions may include, but are not limited to, the requirement that the holder of a permit, at the holder's expense, supply a qualified and independent third-party professional who is qualified to monitor the permit holder's blasting activities and to report the same to the fire chief. The holder of a blasting permit shall comply with conditions contained in such permit as well as all applicable provisions of this article. Commencing blasting operations under such a blasting permit shall be deemed acceptance of all the conditions specified.

**Sec. 38-22. Expiration.**

Blasting permits shall expire on the date specified on the face of the permit. In no event, however, may a blasting permit be issued which has an expiration date of longer than one year from the date of issuance in the case of blasting operations at limestone quarries or other mining operations, or one calendar month from the date of issuance for blasting operations at all other locations.

**Sec. 38-23. Transfer.**

A blasting permit shall not be transferable whether by operation of law or otherwise, either from one location to another, or from one person to another.

**Sec. 38-24. Display.**

A person who has been granted a blasting permit shall keep such permit under file at the site or on display at all times where the blasting operation is located and shall make such permit readily available for inspection by the Fire Chief or his representative.

**Sec. 38-25. Reports.**

Persons possessing valid blasting permits shall submit a report each month to the Fire Chief. The report shall be submitted no later than the seventh of each month and shall contain for each blasting permit the following:

- (1) The amount of each type of explosive used;
- (2) The number of blasts (firings);
- (3) The location of the blasts; and
- (4) The maximum ground vibration and airblast overpressure levels measured for each blast and the approximate distance of the seismograph from the blast.

**Sec. 38-26. Revocation.**

Any blasting permit granted by the Fire Chief may be revoked, after notice and hearing, for any of the following causes:

- (1) Failure to comply with the provisions of this article;
- (2) Failure to comply with any conditions of the blasting permit; or
- (3) For any other cause if, in the judgment of the Fire Chief, continuance of the permit is not consistent with the purposes of this article.

**Secs. 38-27 ----- 39-30. Reserved.**

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**Section 2.** Article IV of Chapter 38 of the Code of Ordinances of the City of Athens shall be added, and shall read as follows:

**Article IV. Fireworks**

**Sec. 38-100. Fireworks prohibited in city.**

It shall be unlawful for any person within the corporate limits of the city to cause to explode, buy, sell, keep, have in possession, store, trade, or give away any firecrackers, fireworks, pyrotechnics or any other article, item, or device in the nature of fireworks.

**Section 3.** This ordinance shall become effective upon its adoption and publication as required by law.

**Section 4.** If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

**Section 5.** The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Athens as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

**Section 6.** If Section 1 of this ordinance is held invalid by a court of competent jurisdiction due to preemption by state law, then Section 38-1 of the Code of Ordinances of the City of Athens shall be revived, notwithstanding Section 1-4 of the Code of Ordinances of the City of Athens.

ADOPTED and APPROVED this, the 5th day of November, 2007.

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ Dan Williams  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton  
CITY CLERK, CITY OF ATHENS, ALABAMA

ATTEST:

\_\_\_\_\_  
JOHN HAMILTON, CITY CLERK

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA )

LIMESTONE COUNTY )

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the \_\_\_\_ day of \_\_\_\_\_, 2007.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
John Hamilton, City Clerk

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Marks, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, and Marks; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Wales thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Marks and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, and Marks; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilman Wales moved the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to designate Friday, November 23, 2007 as an additional holiday for calendar year 2007.

Councilmember Marks moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Gill, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, and Marks; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Wales thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Marks and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, and Marks; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

**Councilman Marks moved the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the payment of budgeted travel/education expenses for specified Water/Wastewater employees in the total amount of \$3,736.28 as listed:

|  |  |            |
|--|--|------------|
| Jonathan Bedsole<br>(Water/Wastewater) | ADEM Surface Water Meeting<br>Montgomery, AL<br>October 22-23, 2007  | \$ 56.32   |
| John Stockton                          | AL/MS AWWA Conference &<br>WEFTEC Annual Conference<br>Robinson, MS & San Diego, CA<br>October 6-10, 2007<br>October 14-18, 2007 | \$3,679.96 |

The motion was seconded by Councilman Wales and was unanimously carried.

**Councilman Gill moved the adoption of the following resolution:**

RESOLUTION NUMBER 2007-1034

**A RESOLUTION DECLARING A PUBLIC NUISANCE  
SUBJECT TO ABATEMENT**

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WHEREAS, the City of Athens is authorized by state law to abate nuisances within the City, such as an abundance of weeds and vegetation that is injurious to the general public health, safety, and general welfare by being unsightly and providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, or pests;

WHEREAS, it has been brought to the attention of this City Council that weeds and vegetation located on certain property are injurious to the general public health, safety, and general welfare by being unsightly and providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, or pests; and

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on November 5, 2007 at 5:30 p.m., as follows:

1. This resolution concerns certain real property located on the north side of Browns Ferry Street and just west of its intersection with Hine Street. The parcel identification number assigned by the Limestone County Revenue Commissioner for this property is 10-3-07-4-001-037.000. A map of this property is attached hereto as Exhibit A.

2. The weeds and vegetation on this property that provide breeding grounds and shelter for vermin and pests (including the dense brush and undergrowth) are hereby declared to be public nuisances subject to abatement by the City. The mature trees located on this property are expressly not included within this definition and are not declared to be nuisances.

3. A public hearing on this matter shall be held on December 10, 2007, at 5:00 P.M.

4. The City Attorney is directed to issue such notices concerning the same as the law may require.

ADOPTED and APPROVED this, the 5th day of November, 2007.

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ Dan Williams  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton  
CITY CLERK, CITY OF ATHENS, ALABAMA

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA )  
LIMESTONE COUNTY )

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the \_\_\_\_ day of \_\_\_\_\_, 2007.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
John Hamilton, City Clerk

The motion was seconded by Councilman Marks and was unanimously carried.

**Councilman Gill moved the adoption of the following resolution:**

RESOLUTION NUMBER 2007-1035

**A RESOLUTION DECLARING A PUBLIC NUISANCE  
SUBJECT TO ABATEMENT**

WHEREAS, the City of Athens is authorized by state law to abate nuisances within the City, such as an abundance of weeds and vegetation that is injurious to the general public health, safety, and general welfare by being unsightly and providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, or pests;

WHEREAS, it has been brought to the attention of this City Council that weeds and vegetation located on certain property are injurious to the general public health, safety, and general welfare by being unsightly and providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, or pests; and

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on November 5, 2007 at 5:30 p.m., as follows:

1. This resolution concerns certain real property located on the south side of Browns Ferry Street and just west of its intersection with Hine Street. The parcel identification number assigned by the Limestone County Revenue Commissioner to the property is 10-3-07-4-007-002.000. A legal description including this property is attached hereto as Exhibit A.

2. The weeds and vegetation on this property that provide breeding grounds and shelter for vermin and pests (including the dense brush and undergrowth) are hereby declared to be public nuisances

subject to abatement by the City. The mature trees located on this property are expressly not included within this definition and are not declared to be nuisances.

- 3. A public hearing on this matter shall be held on December 10, 2007, at 5:00 P.M.
- 4. The City Attorney is directed to issue such notices concerning the same as the law may

require.

ADOPTED and APPROVED this, the 5th day of November, 2007.

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ Dan Williams  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton  
CITY CLERK, CITY OF ATHENS, ALABAMA

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA )  
LIMESTONE COUNTY )

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the \_\_\_ day of \_\_\_\_\_, 2007.

Witness my hand and seal of office this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
John Hamilton, City Clerk

The motion was seconded by Councilman Wales and was unanimously carried.

**Councilman Wales moved the adoption of the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to adopt the following job description that will be on file in the Personnel Office for the City Clerk’s Department:

- 1. Municipal Court Clerk, Grade 7, Job Description dated 11-1-04

ADOPTED and APPROVED this, the 5th day of November, 2007.

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ Dan Williams

MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton

CITY CLERK, CITY OF ATHENS, ALABAMA

The motion was seconded by Councilman Marks and was unanimously carried.

**Councilman Marks moved the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to adopt the attached revised organizational chart for the City Clerk's Department, which includes the following ten position, effective 1/1/08:

1. City Clerk/Treasurer
2. Finance Administrator
3. Accounting and Payroll Clerk (2 positions)
4. Municipal Court Clerk/Magistrate (3 positions)
5. Accountant
6. Van Driver – Senior Center (2 positions)

ADOPTED and APPROVED this, the 5<sup>th</sup> day of November, 2007.

/s/ John M. Crutcher

PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ Dan Williams

MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton

CITY CLERK, CITY OF ATHENS, ALABAMA

The motion was seconded by Councilman Gill and was unanimously carried.

Councilman Marks introduced the following ordinance:

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1659

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a classification list and pay plan for classified employees, be hereby amended as follows:

1. Add the following job titles for the City Clerk's Office:
  - Municipal Court Clerk/Magistrate

ADOPTED and APPROVED this, the 5th day of November, 2007.

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ Dan Williams  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton  
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Wales, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, and Marks; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Marks thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Gill and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, and Marks; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilman Wales moved the adoption of the following resolution:**

#### RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to reorganize the Fire Department effective November 5, 2007 in accordance with the attached organizational chart, which includes the following 41 positions:

- Fire Chief
- Assistant Fire Chief
- Fire Prevention Chief
- Fire Inspector
- Administrative Assistant
- Captain (3 positions)
- Lieutenants (9 positions)
- Firefighter III's (6 positions)
- Firefighter II's (13 positions)
- Firefighter I's (5 positions)

ADOPTED and APPROVED this, the 5th day of November, 2007.

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ Dan Williams  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton

CITY CLERK, CITY OF ATHENS, ALABAMA

The motion was seconded by Councilman Gill and was unanimously carried.

**Councilman Marks moved the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to adopt a job description for the following position with the Fire Department:

- Fire Inspector, Grade 10, job description dated 11/1/07

All previous job descriptions for this position are obsolete and where a discrepancy exists between the new job description and the old job description, the new job description will supersede the old job description.

ADOPTED and APPROVED this, the 5th day of November, 2007.

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ Dan Williams  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton  
CITY CLERK, CITY OF ATHENS, ALABAMA

The motion was seconded by Councilman Gill and was unanimously carried.

Councilman Gill introduced the following ordinance:

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1660

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a classification list and pay plan for classified employees, be hereby amended as follows:

1. Add the following job titles for the Fire Department:

- Fire Inspector, Grade 10

ADOPTED and APPROVED this, the 5th day of November, 2007.

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ Dan Williams  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton

CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Marks moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Wales, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, and Marks; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Gill thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Marks and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, and Marks; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilman Wales moved the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant for its "Off Premises Beer & Wine" alcohol license, in the City of Athens, based on the recommendation of the Alcohol Review Committee. It is of our opinion that the business has met all of the requirements of the City of Athens' alcohol ordinance:

1. Randy's Trakside Beverage & Convenience Store  
23021 Nick Davis Road  
Charlotte Holmes, owner

The motion was seconded by Councilman Gill and was unanimously carried.

**Councilman Marks moved the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to adopt as a supplemental guide to the City of Athens Zoning Ordinance and Subdivision Regulations, known from this point forward as the Athens Traffic Circulation Standards of Athens, Alabama dated November 5th, 2007. These standards were prepared and recommended for adoption by the City Council by the City of Athens Planning Commission on September 18<sup>th</sup>, 2007. A hearing for public comment was held on October 22<sup>nd</sup> by the City of Athens City Council. The City Council of the City of Athens, Alabama hereby adopts these standards to be enforced and used as guidance and an access management policy for the City of Athens, Alabama.

The motion was seconded by Councilman Wales and was unanimously carried.

The following students attended the City Council meeting:

- Josh Maples – Elkmont High School
- Ryan Wheeler – West Limestone High School
- Gaston Cole – West Limestone High School

\* \* \*

There being no further business to come before the meeting, the same was, upon motion by Councilman Gill and second by Councilman Wales, duly and properly adjourned.

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK





