

BOOK
OF
ORDINANCES
CITY
OF
MARGARET

BOOK NO. 4

Town of Margaret

Ordinances

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AMENDED DATE: 12/07
SEE ORD. NO.: 209-10C ORDINANCE NO#. 06-1024

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MARGARET,
ALABAMA AS FOLLOWS:**

Section 1. Levy of Tax.

Pursuant to the Code of Alabama, the following is hereby declared to be and is adopted as the business license code and schedule of licenses for the municipality for the year beginning January 1, 2007, and for each subsequent year thereafter. There is hereby levied and assessed a business license fee for the privilege of doing any kind of business, trade, profession or other activity in the municipality, or the police jurisdiction, by whatever name called.

Section 2. Definitions.

Unless the context clearly requires otherwise, the following terms shall have the following meaning as set forth below:

(1). **Business.** Any commercial or industrial activity or any enterprise, trade, profession, occupation, or livelihood, including the lease or rental of residential or nonresidential real estate, whether or not carried on for gain or profit, and whether or not engaged in as a principal or as an independent contractor, which is engaged in, or caused to be engaged in, within a municipality.

(2). **Business License.** An annual license issued by the municipality for the privilege of doing any kind of business, trade, profession, or any other activity in the municipality, by whatever name called, which document is required to be conspicuously posted or displayed except to the extent the taxpayer's business license tax or other financial information is listed thereon.

(3). **Business License Remittance Form.** Any business license return, renewal reminder notice, or other writing on which the taxpayer calculates the business license tax liability for all or part of the license year and remits the amount so calculated with the form.

(4). **Department or Department of Revenue.** The Alabama Department of Revenue, as created under Section 40-2 et seq.

(5). **Designee.** An agent or employee of the municipality authorized to administer or collect, or both the municipality's business license taxes, which may include another taxing jurisdiction, the Department of Revenue, or a "private auditing or collecting firm" as defined in Section 40-2A-3 of the *Code of Alabama*.

- (a) Gross receipts shall not include any of the following taxes collected by the business on behalf of any taxing jurisdiction or the federal government: All taxes which are imposed on the ultimate consumer, collected by the taxpayer and remitted by or on behalf of the taxpayer to the taxing authority, whether state, local or federal, including utility gross receipts levied pursuant to Article 3, Chapter 21, Title 40; license taxes levied pursuant to Article 2, Chapter 21, Title 40; or reimbursements to professional employer organizations of federal, state or local payroll taxes or unemployment insurance contributions; but no other deductions

or exclusions from gross receipts shall be allowed except as provided in this article.

- (b) A different basis for calculating the business license may be used by the municipality with respect to certain categories of taxpayers as prescribed in Section 11-51-90B.
- (c) For a utility or other entity described in Section 11-51-129, gross receipts shall be limited to the gross receipts derived from the retail furnishing of utility services within the municipality during the preceding year that are taxed under Article 3 of Chapter 21 of Title 40, except that nothing herein shall affect any existing contract or agreement between a municipality and a utility or other entity. The gross receipts derived from the furnishing of utility services shall not be subject to further business license taxation by the municipality.
- (d) Gross receipts shall not include dividends or other distributions received by a corporation, or proceeds from borrowing, the sale of a capital asset, the repayment of the principal portion of a loan, the issuance of stock or other equity investments, or capital contributions, or the undistributed earnings of subsidiary entities.

(7). License Form. Any business license application form, renewal reminder notice, business license remittance form, or business license return by whatever name called.

(8). License Officer or Municipal License Officer. The municipal employee charged by the municipality with the primary responsibility of administering the municipality's business license tax ordinance and related matters thereto.

(9). License Year. The calendar year.

(10). Municipality. Any town or city in this state that levies a business license tax from time to time. The term shall also include the town's or city's police jurisdiction, where the business license tax is levied in the police jurisdiction.

(11). Person. Any individual, association, estate, trust, partnership, limited liability company, corporation, or other entity of any kind, except for any nonprofit corporation formed under the laws of Alabama which is operated to enable municipalities that become members of such nonprofit corporation to finance or refinance capital projects and related undertakings, on a cooperative basis, and whose board of directors or other governing body consists primarily of elected officials of the municipality.

(12). Taxing Jurisdiction. Any municipality that levies a business license tax, whether or not a business license tax is levied within its police jurisdiction, or the Department of Revenue acting as agent on behalf of a municipality pursuant to Section 11-51-180 et seq., as the context requires.

(13). Taxpayer. Any person subject to or liable under this chapter for any business license tax; any person required to file a return with respect to, or pay or remit the business license tax levied under this chapter or to report any information or value to the taxing jurisdiction; or any person required to obtain, or who holds any interest in, any business license issued by the taxing jurisdiction; or any person that may be affected by any act or refusal to act by the taxing jurisdiction under this chapter, or to keep any required by this chapter.

(14). U.S.C. The applicable title and section of the United States Code, as amended from time to time.

(15). Other Terms. Other capitalized or specialized terms used in this ordinance, and not defined above, shall have the same meanings ascribed to them in Section 40-2A-3, of the *Alabama Code*, unless the context therein otherwise specifies.

Section 3. License term; minimums.

The license term and the minimum amount for a business license are as follows:

- (a) *Full Year.* Every person who commences business before the first day of July shall be subject to and shall pay the annual license for such business in full. Unless otherwise specified in the enclosed schedules, the minimum annual license shall be \$100.00.
- (b) *Half Year.* Every person who commences business on or after July 1, shall be subject to and shall pay one-half (1/2) the annual license for such business for that calendar year.
- (c) *Issue Fee.* For each license issued there shall be an issue fee collected of ten dollars (\$10.00) and said issue fee shall be collected in the same manner as the license tax.
- (d) *Annual Renewal.* Except as provided in subsections (i) or (ii), the business license shall be renewed annually on or before the 31st day of January each year.
 - (i) If the due date for payment of any business license falls on a weekend or a holiday recognized by the municipality from time to time, the due date shall automatically be extended until the next business day.
 - (ii) Insurance company annual license renewals shall be renewed in accordance with Section 11-51-122 of the *Code of Alabama* which states that each year, each insurance company shall furnish the municipality a statement in writing duly certified showing the full and true amount of gross premiums received during the preceding year and shall accompany such statement with the amount of license tax due according to the licensing schedule. Failure to furnish such statement or to pay such sum shall subject the company and its agents to those penalties as prescribed for doing business without a license as provided for the municipal code.
 - (iii) On or before December 31 of each year, a renewal reminder shall be mailed to each licensee that purchased a business license during the current year. Said renewal notice shall be mailed via regular U.S. mail to the licensee's last known address of record with the municipality. Licensees are required to furnish the municipality any address changes for their business prior to December 1 in order for them to receive their notice.
 - (iv) Business license renewal payments received by the municipality shall be applied to the current renewal only when any and other debts the licensee owes to the municipality are first paid in full. No business license shall be issued if the current renewal payment does not meet said prior obligations and the current renewal. Failure to pay such sums shall subject the licensee and its agents to those penalties as prescribed for doing business without a license provided for in the municipal code.

Section 4. License shall be location specific.

- (a) For each place at which any business is carried on, a separate license shall be paid, and any person desiring to engage in any business for which a license is required shall designate the place at which business is carried on, and the license to be issued shall

designate such place, and such license shall authorize the carrying on of such business only at the place designated.

- (b) Every person dealing in two or more of the articles, or engaging in two or more of the business, vocations, occupations or professions scheduled herein, shall take out and pay for a license for each line of business.
- (c) A taxpayer subject to the license authorized by this ordinance that is engaged in business in other municipalities, may account for its gross receipts so that the part of its gross receipts attributable to its branch offices will not be subject to the business license imposed by this ordinance. To establish a bona fide branch office, the taxpayer must demonstrate proof of all following criteria:
 - (i) The taxpayer must demonstrate the continuing existence of an actual facility located outside the police jurisdiction in which its principal business office is located, such as a retail store, outlet, business office, showroom, or warehouse, to which employees and/or independent contractors are assigned or located during regular normal working hours.
 - (ii) The taxpayer must maintain books and records, which reasonably indicate a segregation or allocation of the taxpayer's gross receipts to the particular facility of facilities.
 - (iii) the taxpayer must provide proof that separate telephone listings, signs, and other indications of its separate activity are in existence.
 - (iv) Billing and/or collection activities relating to the business conducted at the branch office or offices are performed by an employee or other representative, of the taxpayer who has such responsibility for the branch office.
 - (v) All business claimed by a branch office or offices must be conducted by and through said office or offices.
 - (vi) The taxpayer must supply proof that all applicable business licenses with respect to the branch office or offices have been issued.

Section 5. Restriction on transfer of license.

No license shall be transferred except with the consent of the council or other governing body of the municipality or of the director of finance or other chief revenue officer or his or her designee, and no license shall be transferred to reflect a physical change of address of the taxpayer within the municipality more than once during a license year and never from one taxpayer to another. Provided that a mere change in the name or ownership of a taxpayer that is a corporation, partnership, limited liability company or other form of legal entity now or hereafter recognized by the laws of Alabama shall not constitute a transfer for purposes of this chapter, unless (1) the change requires the taxpayer to obtain a new federal employer identification number or Department of Revenue taxpayer identification number or (2), in the discretion of the municipality, the subject license is one for the sale of alcoholic beverages. Nothing in this section shall prohibit a municipality from requiring a new business license application and approval for an alcoholic beverage license.

Section 6. Unlawful to do business without a license.

It shall be unlawful for any person, taxpayer, or agent of a person or taxpayer to engage in businesses or vocations in the municipality for which a license is required without first having procured a license. A violation of this division of the ordinance passed hereunder

fixing a license shall be punishable by a fine not to exceed the sum of five hundred (\$500) for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.

Section 7. License must be posted.

Every license shall be posted in a conspicuous place, where said business, trade or occupation is carried on, and the holder of the license shall immediately show same to the designee of the municipality upon being requested so to do.

Section 8. Duty to file report.

- (a) It shall be the duty of every person subject to such license tax to render to the municipality on such forms as may be required, a sworn statement showing the total business done, amount of sales, gross receipts and gross sales, stock, value of furniture and other equipment, capital invested, number of helpers or employees, amount of space occupied, or other factor described in the schedule, one or several, as the case may require, for the ascertainment of the classification of such person for license taxation purposes and the correct amount of license tax to which he is subject.
- (b) If the municipality determines that the amount of business license tax reported on or remitted with any business license remittance form is incorrect, if no business license remittance form is filed within the time prescribed, or if the information provided on the form is insufficient to allow the taxing jurisdiction to determine the proper amount of business license tax due, the municipality shall calculate the correct amount of the tax based on the most accurate and complete information reasonably obtainable and enter a preliminary assessment for the correct amount of business license tax, including any applicable penalty and interest.
- (c) If the amount of business license tax remitted by the taxpayer is undisputed by the municipality, or if the taxpayer consents to the amount of any deficiency or preliminary assessment in writing, the municipality shall enter a final assessment for the amount of the tax due, plus any applicable penalty and interest.
- (d) The municipality shall promptly mail a copy of any preliminary assessment to the taxpayer's last known address by either first class U.S. mail or certified U.S. mail with return receipt requested, or, in the sole discretion of the municipality, deliver the preliminary assessment to the taxpayer by personal delivery.
 - (1) If a taxpayer disagrees with a preliminary assessment as entered by the taxing jurisdiction, the taxpayer shall file a petition for review with the municipal license officer within 30 days from the date of entry of the preliminary assessment setting out the specific objections to the preliminary assessment. If a petition for review is timely filed, the license officer of the municipality shall schedule a conference with the taxpayer for the purpose of allowing the taxpayer or its representatives and the representatives of the municipality to present their respective positions, discuss any omissions or errors, and to attempt to agree upon any changes or modifications to the assessment. The license officer shall issue findings of fact and law within 60 days following the conference, which shall promptly upon issuance be mailed or delivered to the taxpayer, consistent with the procedures set forth in subsection (d) above.
 - (2) If the taxpayer disagrees with the license officer's findings of fact and law, the taxpayer may appeal to the municipal governing body, by filing a notice of appeal with the municipal clerk within 30 days after the findings

have been issued. The appeal shall be in writing and shall set forth in reasonable detail the grounds on which the taxpayer disagrees with the license officer's findings of fact and law.

- (3) If a petition for review: a. is not timely filed, or b. is timely filed, and upon further review the license officer, or the administrative hearings officer or governing body of the municipality, as the case may be, determines that the preliminary assessment is due to be upheld in whole or in part, the taxing jurisdiction shall make the assessment final in the amount of business license tax due as computed by the taxing jurisdiction, with applicable penalty and interest.
- (4) A copy of the final assessment shall promptly be mailed to the taxpayer's last known address (i) by either first class U.S. mail or certified U.S. mail with return receipt requested in the case of assessments of business license tax of five hundred dollars (\$500.00) or less, or (ii) by certified U.S. mail with return receipt requested in the case of assessments of business license tax of more than five hundred (\$500.00). In either case, at the option of the taxing jurisdiction a copy of the final assessment may be delivered to the taxpayer by personal delivery.

Section 9. Duty to permit inspection and produce records.

Upon demand by the designee of the municipality, it shall be the duty of all licenses to:

- a. Permit the designee of the municipality to enter the business and to inspect all portions of his place or places of business for the purposes of enabling said municipal designee to gain such information as may be necessary or convenient for determining the proper license classification, and determining the correct amount of license tax;
- b. To furnish information during reasonable business hours, at the licensee's place of business, in the municipality or the police jurisdiction, all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sales receipts, inventory and other information from which the correct license tax classification of such person may be ascertained and the correct amount of license tax to which he is subject may be determined, including exhibition of bank deposit books, bank statements, copies of sales tax returns to the State of Alabama, copies of Alabama income tax returns and federal income tax returns.

Section 10. Unlawful to obstruct.

It shall be unlawful for any person, or for any agent, servant or employee of such person, to fail or refuse to perform any duty imposed by this ordinance; nor shall any person, agent, servant or employee of such person obstruct or interfere with the designee of the municipality in carrying out the purpose of this ordinance.

Section 11. Privacy.

- (a) It shall be unlawful for any person connected with the administration of this ordinance to divulge any information obtained by him/her in the course of inspection and examination of the books, papers, reports and memoranda of the taxpayer made pursuant to the provisions of this ordinance, except to the Mayor, the Municipal Attorney or others authorized by law to receive such information described herein.

- (b) It shall be unlawful for any person to print, publish, or divulge, without the written permission or approval of the taxpayer, the license form of any taxpayer or any part of the license form, or any information secured in arriving at the amount of tax or value reported, for any purpose other than the proper administration of any matter administered by the taxing jurisdiction, or upon order of any court, or as otherwise allowed in this ordinance.
- (c) Nothing herein shall prohibit the disclosure of the fact that a taxpayer has or has not purchased a business license. Statistical information pertaining to taxes may be disclosed to the municipality council upon their written request through the Mayor's office. It shall be unlawful for any person to violate the provisions of this section.

Section 12. Failure to file assessment.

- (a) In any case where a person subject to paying a license tax as provided herein fails to do so, the municipal designee shall be authorized to assess and determine the amount of license taxes due using the best information available either by return filed or by other means.
- (b) The taxpayer shall be notified by registered or certified mail, or by personal service, of the amount of any such assessment, and of his right to appear before the municipal governing body on a day named not less than twenty (20) days from the date of notice and to show cause why such assessment shall not be made final. Such appearance may be made by agent or attorney.
- (c) If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgment of the municipality, such assessment shall be made final in the amount originally fixed, or in such other amount as is determined by the municipality to be correct. If upon such hearing, the municipal designee finds a different amount due than that originally assessed, he/she shall make the assessment final in the correct amount, and in all cases shall notify the taxpayer of the assessment as finally fixed.
- (d) A notice by the United States mail, addressed to the taxpayer's last known place of business, shall be sufficient. Any assessment made by the designee of the municipality shall be prima facie correct upon any appeal.

Section 13. Lien for non-payment of license tax.

On all property, both real and personal, used in the business, the municipality shall have a lien for such license, which lien shall attach as of the date when the license is due, as allowed by *Alabama Code*, Section 11-51-44 (1975).

Section 14. Criminal penalties.

Any person found guilty of violating any of the provisions of this ordinance shall be fined in an amount not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), and may also be sentenced to imprisonment for a period of not exceeding six (6) months, in the discretion of the court trying the case, and violations on separate days shall each constitute a separate offense.

Section 15. Civil penalties.

In addition to the remedies provided by *Alabama Code*, Section 11-51-150 (1975) et seq., the continued or recurrent performance of any act or acts within the corporate limits or within its police jurisdiction for which a license may be revoked or suspended under this ordinance is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The municipality, as an additional or

alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same.

Section 16. Penalties and interest.

- (a) All licenses not paid within thirty (30) days from the date they fall due shall be increased by fifteen (15) percent for the first thirty (30) days they shall be delinquent, or fraction thereof, and shall be measured by an additional fifteen (15) percent for a delinquency of sixty (60) or more days, but this provision shall not be deemed to authorize the delay of thirty (30) days in the payment of the license due, which may be enforced at once.
- (b) In the case of persons who began business on or after the first day of the calendar year, the license for such "new business" shall be increased by fifteen (15) percent for the first fifteen (15) days they shall be delinquent, and shall be measured by an additional fifteen (15) percent for a delinquency of forty-five (45) days or more.
- (c) All delinquent accounts (both license taxes and penalties) shall also be charged simple interest at the rate of one (1) percent per month.

Section 17. Prosecutions unaffected.

The adoption of this ordinance shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this article shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture be in any manner affected by the adoption of this ordinance; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this ordinance be affected in any manner by its adoption.

Section 18. Procedure for denial of new applications.

- (a) The municipal designee shall have the authority to investigate all applications and may refer any application to the municipal governing body for a determination of whether such license should or should not be issued.
- (b) If the municipal governing body denies the issuance of any license referred to it, the municipal clerk shall promptly notify the applicant of the municipal governing body's decision.
- (c) If said applicant desires to appear before the municipal governing body to show cause why said license should be issued, he shall file a written notice with the municipal clerk, said notice to be filed within two (2) weeks from the date of mailing by the municipal clerk of the notice of the denial of such license by the municipal governing body.
- (d) Upon receipt of said notice, the municipal clerk shall promptly schedule a hearing, to be held within fifteen (15) days from the date of receipt of such notice, before the municipal governing body and shall give the notice of the date, time and place of said hearing to the applicant.
- (e) The applicant shall be given the opportunity to appear personally, or through his counsel, or both, and the municipal governing body shall proceed to hear any evidence, which may be presented both for and against the issuance of said license.
- (f) If the municipal governing body determines from the evidence presented that in order to either provide for the safety, preserve the health, promote the prosperity, or improve the morals, order, comfort and convenience of the inhabitants of the municipality said license should not be granted, it shall enter an order to that

effect; otherwise, said license shall be ordered issued upon payment of any required license fees.

Section 19. Procedure for revocation or suspension of license.

Any lawful license issued to any person to conduct any business shall be subject to revocation by the municipal governing body for the violation by the licensee, his agent, servant, or employee of any provision of this ordinance or of any ordinance of the municipality, of any statute of the State of Alabama relating to the business for which such license is issued; and shall also be subject to revocation by the municipal governing body if the licensee, his agent, servant, or employee under color of such license violates or aids or abets in violating or knowingly permits or suffers to be violated any penal ordinance of the municipality or any criminal law of the State of Alabama; and shall also be subject to revocation by the municipal governing body if, in connection with the issuance or renewal of any license, the licensee or his agent filed or caused to be filed any application, affidavit, statement, certificate, book, or any other data containing any false, deceptive or other misleading information or omission of material fact.

The conditions hereinabove set forth as grounds for the revocation of a license shall also constitute grounds for refusing to renew a license.

The municipal governing body shall set a time for hearing on the matter of revoking or refusing to renew a license; and a notice of such hearing shall be given to the licensee, or the applicant for renewal, as the case may be, at least ten (10) days before the day set for said hearing. At the hearing, the municipal governing body shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal of renewal, as the case may be.

Section 20. Refunds on Overpayments.

- (a) Any taxpayer may file a petition for refund with the municipality for any overpayment of business license tax erroneously paid to the municipality. If a final assessment for the tax has been entered by the municipality, a petition for refund of all or a portion of the tax may be filed only if the final assessment has been paid in full prior to or simultaneously with the filing of the petition for refund.
- (b) A petition for refund shall be filed with the municipality within two years from the date of payment of the business license tax, which is the subject of the petition.
- (c) The municipality shall either grant or deny a petition for refund within six months from the date the petition is filed, unless the period is extended by written agreement of the taxpayer and the municipality. The taxpayer shall be notified of the municipality's decision concerning the petition for refunded by first class U.S. mail or by certified U.S. mail, return receipt requested, sent to the taxpayer's last known address. If the municipality fails to grant a full refund within the time provided herein, the refund petition shall be deemed to be denied.
- (d) If the petition is granted or the municipality or a court otherwise determines that a refund is due, the overpayment shall be promptly refunded to the taxpayer by the municipality, together with interest to the extent provided for in Section 11-51-92. If the municipality determines that a refund is due, the amount of overpayment plus any interest due thereon may first be credited by the municipality against any outstanding tax liabilities due and owing by the taxpayer to the municipality, and the balance of any overpayment shall be promptly refunded to the taxpayer. If any refund or part thereof is credited to any other tax by the municipality, the taxpayer shall be provided with a written detailed statement showing the amount of overpayment, the amount credited for payment to other taxes, and the resulting amount of the refund.

- (e) A taxpayer may appeal from the denial in whole or in part of a petition for refund by filing a notice of appeal with the clerk of the circuit court of the county in which the municipality denying the petition for refund is located. Said notice of appeal must be filed within two years from the date the petition was denied. The circuit court shall hear the appeal according to its own rules and procedures and shall determine the correct amount of refund due, if any. If an appeal is not filed with the appropriate circuit court within two years of the date the petition was denied, then the appeal shall be dismissed for lack of jurisdiction.

Section 21. Delivery License.

- (a) In lieu of any other type of license, a taxpayer may at its option purchase for \$100.00 plus the issuance fee, a delivery license for the privilege of delivering its merchandise in the municipality if the taxpayer meets all of the following criteria:
- (1) Other than deliveries, the taxpayer has no other physical presence within the municipality or its jurisdiction;
 - (2) The taxpayer conducts no other business in the municipality other than delivering merchandise and performing the requisite set-up and installation of said merchandise;
 - (3) Such delivery and set-up and installation is performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in that municipality, and is done by means of delivery vehicles owned, leased, or contracted by the taxpayer.
 - (4) The gross receipts derived from the sale and any requisite set-up or installation of all merchandise so delivered shall not exceed seventy-five thousand dollars (\$75,000) during the license year;
 - (5) Any set-up or installation shall relate only to (i) that required by the contract between the taxpayer and the customer or as may be required by state or local law, and (ii) the merchandise so delivered;
 - (6) If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, then within 10 days after any of said criteria have been violated or exceeded, the taxpayer shall purchase all appropriate business licenses from the municipality for the entire license year and without regard to this section.
- (b) Mere delivery of the taxpayer's merchandise by common carrier shall not allow the municipality to assess a business license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of a common carrier shall be counted against the seventy-five thousand (\$75,000) limitation described in the preceding section if the taxpayer also during the same license year sells and delivers into the taxing jurisdiction using a delivery vehicle other than a common carrier.
- (c) A common carrier, contract carrier, or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.
- (d) The delivery license shall be calculated in arrears, based on the related gross receipts during the preceding license year.
- (e) The purchase of a delivery license shall not, in and of itself, establish nexus between the taxpayer and the municipality for purposes of the taxes levied by or under the authority of Title 40 of the Code of Alabama or other provisions of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the municipality.

Section 22. License classifications.

CODE	2002 NAICS TITLE/BUSINESS LICENSE	SCHEDULE
111998	Farming-agriculture , crop production, nursery, fruit, growers	A
112990	Animals-dairy , cattle, ranching, sheep, raising chickens, poultry	A
113110	Forestry-logging , forestry, timber track operations, timber mgmt	A
114119	Fishing & hunting-hunting and trapping , finfish, shellfish, supplies	A
115114	Agriculture support-cotton gins , farm mgt, post harvest activities	A
211111	Oil and gas extraction-natural gas-natural gas liquid extraction , crude extraction	A
212299	Mining-(except for oil and gas) all related mining activities	A
213112	Mining support services-for oil and gas mining activities , oil/gas wells	A
221122	Utilities-electric power or light company-state regulated	B
221210	Utilities-natural gas company-state regulated	B
221310	Utilities-water, sewage treatment, steam, and other	B
236220	Contractors-general contractors, comm. Bldg., residential, subdivisions	A
236221	Contractors-general contractors-itinerant not local	A
237990	Contractors-heavy construction, highway, bridge, street, water, sewer	A
237991	Contractors-heavy construction-itinerant not local	A
238320	Contractors-specialty trade-plumbing, heating & air conditioning	A
238320	Contractors-specialty trade-painting and wall covering	A
238210	Contractors-specialty trade-electrical contractors	A
238140	Contractors-specialty trade-masonry and stone contractors	A
238310	Contractors-specialty trade-drywall, acoustical & insulation	A
235430	Contractors-specialty trade-tile, marble, terrazzo & mosaic	A
238340	Contractors-specialty trade-carpentry contractors	A
238330	Contractors-specialty trade-floor coverings, all types	A
238160	Contractors-specialty trade-roofing, siding & sheet metal	A
238110	Contractors-specialty trade-concrete contractors	A
237110	Contractors-specialty trade-water well drilling & irrigation	A
238120	Contractors-specialty trade-structural steel erection	A
238150	Contractors-specialty trade-glass and glazing contractors	A
238910	Contractors-specialty trade-excavation and site development	A
238910	Contractors-specialty trade-wrecking and demolition	A
237990	Contractors-specialty trade-building equipment & mechanical install	A
238130	Contractors-specialty trades contractors-non-general & non heavy	A
236221	Contractors-specialty trades contractors-itinerant not local	A
311991	Food mfg-meat, seafood, grain, fruit, dairy, animal, poultry processing	A
312212	Beverage mfg-all types of soft drinks, bottled water, breweries, ice	C
312121	Beer-off premise-state regulated through ABC	C
312122	Beer-on permise-state regulated through ABC	C
312131	Wine-state regulated through ABC	C
312132	Beer & Wine-wholesale distributor	C
312141	Alcohol-state regulated through ABC	C
313112	Textile mfg-fabric, yarn, carpet, canvas, rope, twine, fabric mills	A
314129	Other mfg-mill operations not covered in 313, rugs, linen, curtains	A
315999	Apparel mfg-women, men children, hosiery, outerwear, accessories	A
316993	Leather mfg-shoes, luggage, handbag, related products, all footwear	A
321999	Wood mfg-sawmills, wood preservation, veneer, trusses, millwork	A
322229	Paper mfg-pulp, paper, and converted products, stationary, tubes, cores	A
323110	Printing-screen, quick, digital, books, lithographic, handbills, comm.	A
324199	Petroleum and coal mfg-asphalt, grease, roofing, paving products	A

CODE	2002 NAICS TITLE/BUSINESS LICENSE	SCHEDULE
325998	Chemical mfg -of fertilizer, wood, pesticide, paint, soap, resin, plastic	A
326291	Plastic & rubber mfg -tires, pipe, hoses, belts, bottles, sheet, wrap, film	A
327331	Nonmetallic mfg -glass, cement, lime, pottery, ceramic, brick, tile	A
331521	Primary metal mfg -iron, steel, aluminum, wire, copper, foundries	A
332999	Metal fabrication -cultery, structural, ornamental, machine shops	A
333990	Machinery mfg -office machinery, industrial, engines, farm, HVAC	A
334419	Computer & electronic mfg -audio, vide, circuit boards, peripherals	A
335211	Appliance mfg -small appliance, lighting, electrical, battery, freezer	A
336112	Transportation mfg - mfg auto, truck, trailer, motor home, boat, ship	A
337129	Furniture mfg -cabinets, office, household, beds, medical, kitchen	A
339999	Miscellaneous mfg -specialty mfg not defined in separate categories	A
423990	Wholesale trade -durable, vehicle, machinery, equipment, furniture	A
424720	Wholesale trade -wholesale gasoline distributor	A
424990	Wholesale trade -non durable, paper, apparel, grocery, beverages, dairy	A
441310	Motor vehicle & parts -auto, motorcycles, boats, parts, accessories	A
441110	Motor vehicles -new and/or used-dealerships and lots	A
442110	Furniture -furniture, home, furnishings, stores, floor coverings, window	A
443112	Electronic & appliance store -household, radio, television, computers	A
444130	Building materials -hardware, paint, home center, wallpaper, nursery	A
445120	Food & beverage stores -grocery, convenience store, markets	A
445310	Package Stores -selling beer, wine and liquor plus general merchandise	A
446110	Health care stores -drug, pharmacy, cosmetic, optical, health food	A
447110	Gasoline Retail -selling gasoline with or without convenience stores	B
448130	Clothing & accessories -ment, women, children, infant, shoe, jewelry	A
451110	Sporting goods & hobbies -toy, fish, fun, books, games	A
452990	General merchandise stores -department, warehouse clubs, superstores	A
451212	Used merchandise stores -books, miscellaneous, consignment, flea market	A
453220	Miscellaneous retailers -florist, gift, novelty, pet, art, tobacco, used merchandise	A
454210	Non-store retailers -vending machine operators, direct selling, mail order	J
454391	Non-store retailer -peddlers license/local peddler	E
454392	Non-store retailer -peddlers license/itinerant peddler	E
481111	Air transportation -airline tickets, shipping, freight, charters service	
482110	Rail transportation -transportation, ticket offices, state regulated	M
483212	Water transportation -coastal, freight forwarders, inland, passenger	M
484110	Truck transportation -local, long distance, freight, moving, and storage	M
484230	Truck transportation -terminal-state regulated	M
485113	Passenger transportation -charter and other vehicle transit services	M
485114	Passenger transportation -bus terminals state regulated	M
485320	Passenger transportation -taxi cabs, limousine service, buggy, charters	F
485321	Passenger transportation -number of taxis, cabs, limousines, or buggys	F
487990	Sightseeing -scenic and sightseeing, lane, air, water, special trans	
492110	Couriers -couriers and local messengers, services, local delivery, services	P
493110	Warehousing and storage -distribution, household, refrigerated, special	A
511110	Publishing industries -newspaper, book, periodical, databases, software	
512131	Motion pictures -theatres, videos, recording, drive-ins, sound studios	
512112	Broadcasting -radio and television stations	
513310	Telecommunications -telephone local per 11-51-128	G
513320	Telecommunications -telephone long distance per 11-51-128	G
513322	Telecommunications -cellular and other wireless, paging	G

CODE	2002 NAICS TITLE/BUSINESS LICENSE	SCHEDULE
517310	Telecommunications-resellers of service	G
514190	Information services-all types of information services	G
521110	Bank Main Office-not branch location or ATM	O
521111	Bank Branch or ATM-not main office of bank	O
522120	Savings & Loans-not branch location or ATM	O
522121	S & L Branch or ATM-not main office of S & L	O
522298	Pawn Shop-whether title pawn or merchandise	
522390	Credit Services-companies and activities related to credit and mediation	
523999	Securities, commodity-brokerage, portfolio, investment, other	
524126	Insurance company-casualty, fire, and/or marine premiums	
524128	Insurance company-health, allied and all other premiums	
524210	Agent office-administration of third parties, pension funds, annuities, etc.	
525990	Funds, trusts, other financial agencies-agents, agencies, investments	O
531210	Real estate-offices, agents, brokers, management, appraisers	
532310	Rental and leasing-auto, truck, trailer, RV, all tangible property	
532230	Rental and leasing-movie and video rental	
541110	Attorney/Lawyers-individual and/or firm professional license	
541211	Accountant/CPA'S-individual and/or firm professional license	
541310	Architect-individual and/or firm professional license	
541330	Engineer-individual and/or firm professional license	
541360	Surveyor-individual and/or firm professional license	
541511	Computer Programmer-individual and/or professional firm license	
541921	Photographer-studios, portrait, commercial, services	
541940	Veterinarian-individual and/or firm professional license	
541990	Professional Services Not Elsewhere classified/scientific, technical	
541990	Management companies-offices, enterprises, regional corporate	
561499	Administrative services-answering employment, office, sec., travel	
561710	Exterminating services-exterminating company and its services	
561720	Janitorial firm-janitorial cleaning services-individual or firm	
562998	Waste management-companies, trucks, septic tanks, landfill, services	
611699	Educational services-technical, computer, sports, services, business	
621111	Physician-individual and/or firm professional license	
621210	Dentist-individual and/or firm professional license	
621310	Chiropractor-individual and/or firm professional license	
621320	Optometrist-individual and/or firm professional license	
621491	HMO-medical centers and services	
621498	Outpatient Care Centers-all other types of services	
621910	Ambulance-ambulance company and/or services	
622110	Hospitals-surgical, substance abuse, psychiatric, general care, special	
623110	Nursing care-residential care facility, day care, assisted living	
623312	Nursing Home-care for elderly and continuing care facilities	
624110	Social assistance-shelters, vocational, child care, abuse, emergency	
711310	Arts and sports-dance, musical, teams, tracks, promoters, agents	
711310	Special Events-promoter or activity-see schedule for rates	
712110	Museums-museums and historical sites, zoos, botanical gardens, parks	
713110	Amusement-arcades, golf clubs, marinas, fitness, bowling centers	
721110	Accommodations-hotels, motels, and similar facilities	
721191	Accommodations-bed and breakfast inns and services	

Schedule "A"	If gross receipts are:			
More Than	but	Less Than		
0		99,999	100	
100,000		199,999	211 + 1.72 per M in excess of	100,000
200,000		299,999	383 + 1.47 per M in excess of	200,000
300,000		399,999	530 + 1.38 per M in excess of	300,000
400,000		499,999	668 + 1.35 per M in excess of	400,000
500,000		599,999	803 + 1.32 per M in excess of	500,000
600,000		699,999	935 + 1.28 per M in excess of	600,000
700,000		799,999	1,063 + 1.25 per M in excess of	700,000
800,000		899,999	1,188 + 1.22 per M in excess of	800,000
900,000		999,999	1,310 + 1.18 per M in excess of	9,000,000
1,000,000		1,099,999	1,428 + 1.15 per M in excess of	1,000,000
1,100,000		1,199,999	1,543 + 1.12 per M in excess of	1,100,000

Schedule "B" - Electric Company, Gas Company and Water

For selling or distributing electrical current or natural gas, an amount equal to three percent of the gross receipts of the business transacted in the municipality for the previous year for the sale or distribution of electrical current or natural gas from any point in or into the municipality

Schedule "C" - Beer, Wine and Liquor

State of Alabama Code	Classification	Amount	Licensing Notes
040 Beer on/off premise	312121	75.00	
050 Beer off premise only	312122	50.00	
060 Table wine on/off premise	312131	75.00	
070 Table wine off premise only	312131	75.00	
010 Lounge Retail Liquor Class I	312131	75.00	All three codes are part of the package plus the business license code.
	312141	650.00	
	312131	75.00	
011 Package Store Liquor Class II	312122	75.00	All three codes are part of the package plus the business license code.
	312141	650.00	
	312131	75.00	
020 Restaurant Retail Liquor	312121	75.00	All three codes are part of the package plus the business license code.
	312141	650.00	
	312131	75.00	
032 Club Liquor Class II	312121	75.00	All three codes are part of the package plus the business license code.
	312141	650.00	
	313131	75.00	
110 Wholesale Table Wine & Beer	312132	375.00	Distributors License

Schedule "E" - Peddlers

Daily Rate	issued for single day sales activity	10.00
Weekly Rate	issued for week long sales activity	25.00
Monthly Rate	issued for month long sales activity	50.00
Yearly Rate	issued for annual sales activity	100.00

Schedule "F" - Taxi Cabs & Limousines

In addition to the license thereto, there shall be a decal affixed to each taxi cab or limousine and the cost of said decals shall be according to the following table:

1 Taxi cab or limousine	50.00
All taxi cabs or limousines over 1	25.00 per decal

Schedule "G" - Telephones and Telecommunications

Each city or town must apply Code of Alabama 11-51-128 for telephones and establish other rates and/or schedules for various other telecommunications businesses.

Schedule "H" - Special Events Licenses

Each city or town has to insert their own schedule for handling special events and all those activities

that fall under the category of special events, functions or activities.

Schedule "I" - Fortune Tellers

Annual license rate is \$1,000.00 and rate is reduced by \$25.00 each year until such time as the annual rate reaches \$500.00 and that becomes the minimum rate thereafter.

Schedule "J" - Vending Machines

In addition to the license thereto, there shall be a decal affixed to each machine and the cost of said decals shall be according to the following table:

1 to 5 machines vending any type of merchandise or product	\$20.00 per decal
5 to 10 machines vending any type merchandise or product	\$10.00 per decal
all over 10 machines vending any type merchandise or product	\$5.00 per decal

Schedule "K" - Billiard and/or Pool Tables

In addition to the license thereto, there shall be a decal affixed to each machine and the cost of said decals shall be according to the following table:

For 1 to 2 billiard or pool tables	\$50.00 per decal
All billiard or pool tables over 2	\$25.00 per decal

Schedule "L" - Amusement Devices

In addition to the license thereto, there shall be a decal affixed to each machine and the cost of said decals shall be according to the following table:

For the first 10 machines	\$25.00 per decal
All machines over 10	\$10.00 per decal

Schedule "M" - Buses, Trucks, & Other Equipment

In addition to the license thereto, there shall be a decal affixed to each piece of equipment and the cost of said decals shall be according to the following table:

From 1 to 2 buses, trucks or other equipment	\$50.00 per decal
From 2 to 5 buses, trucks or other equipment	\$25.00 per decal
From 5 buses, trucks or other equipment	\$10.00 per decal

Schedule "N" - Itinerants

Itinerant businesses operating within the jurisdiction but located outside the jurisdiction, shall pay the itinerant rate for a business license and that rate shall be \$500.00

Schedule "O" - Banks/Savings & Loans

Bank ATM Location	\$10.00
Bank Branch Location	\$10.00
Bank Main Office Facility	\$125.00
Savings & Loan ATM Location	\$10.00

Savings & Loan Branch Location	\$10.00
Savings & Loan Mail Office Facility	\$125.00

Schedule "P" - Delivery License

The rate for the delivery license is established in Section 21 and is \$100.00

Section 24.

(a) The license officer may exchange tax returns, information, records, and other documents secured by the municipality, with other municipalities adopting similar ordinances for the exchange of taxpayer information, or with county or state authorities. The license officer may charge a reasonable fee for providing such information or documents. Any tax returns, information, records, or other documents so exchanged shall remain subject to the confidentiality provisions, restrictions, and criminal penalties for unauthorized disclosure as provided under state or municipal law.

(b) Any such exchange shall be for one or more of the following purposes:

- (1) Collecting taxes due
- (2) Ascertaining the amount of taxes due from any person.
- (3) Determining whether a person is liable for, or whether there is probable cause for believing a person might be liable for, the payment of any tax to a state, county, or municipal agency.

(c) Nothing herein shall prohibit the use of tax returns or tax information by the municipality in the proper administration of any matter administered by the license officer. The license officer may also divulge to a purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama Department of Revenue, or successor of a business or stock of goods the outstanding sales, use, or rental tax liability of the seller for which the purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama Department of Revenue, or successor may be liable pursuant to the Code of Alabama section 40-23-25, 40-23-83, or 40-12-224.

Section 25. License fees in Police Jurisdiction.

Any person, firm, association, or corporation engaged in any business outside the municipality but within the police jurisdiction hereof shall pay one-half of the amount of the license imposed for like business within the municipality.

Section 26. Effective Date.

This ordinance shall become effective on and after January 1, 2007.

Section 27. Severability.

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 th

Section 28. Repealer

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

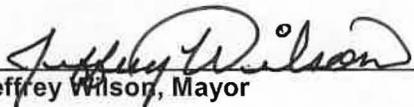
Section 29. Validity

If any section, clause, or provision of this Ordinance be declared Unconstitutional or held invalid, it shall not affect any other section, clause or provision of this Ordinance.

Section 30. Effective Date

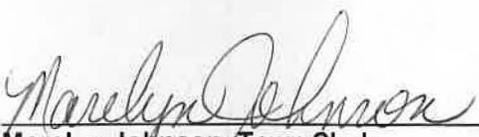
This Ordinance shall become effective upon passage, approval and publication as required by law.

ADOPTED AND APPROVED THIS THE 15TH DAY OF NOVEMBER 2006



Jeffrey Wilson, Mayor

Attest:



Marelyn Johnson, Town Clerk

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #06-1024 was adopted by the Mayor and Town Council on October 24, 2006 and that a copy of same was posted at the following three (3) places in the Town of Margaret on October 25, 2006.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

ORDINANCE NO 06-1113

AN ORDINANCE TO FURTHER PROVIDE FOR THE RESTRAINT, AND CONTROL OF DOMESTIC ANIMALS IN THE TOWN OF MARGARET, ALABAMA,

BE IT ORDAINED: BY THE TOWN COUNCIL OF THE TOWN OF MARGARET, ALABAMA AS FOLLOWS:

Section One: Definitions.

At Large: A domestic animal shall be deemed at large when it is not under restraint by its owner or a competent person having charge or control of it or when it is not confined with in a wall, fence, vehicle or other enclosure in such a manner as to effectively prevent it from escape.

Town: The Town of Margaret, Alabama

Domestic Animal: All members of the canine family.

Owner: The term owner shall mean and include any person, group of persons or corporation having a right of property in a domestic animal, or who has care of it, or acts as its custodian, or who keeps it, allows it food, and refuge on or about premises occupied by such person or persons or who harbors it in any manner.

Under Restraint: A domestic animal shall be deemed to be under restraint when it is controlled by a leash, cord, chain or similar means in the hands of the owner or a competent person having charge or control of the domestic animal or when it is tethered in an human manner so as to remain upon private property and in the presence of the owners of such competent person.

Section Two: Enforcement

The provision of this chapter shall be enforced by the Town of Margaret, Alabama.

Section Three: Vaccination Required:

It shall be unlawful for the owner or any person to possess, keep or harbor in the Town any domestic animal over three (3) months of age which has not been vaccinated against rabies within the preceding twelve (12) months and tagged as required by Section 107 and 108, Title 22, Code of Alabama.

Section Four: Domestic Animal not allowed at Large

It shall be unlawful for the owner or any person having charge or control of a domestic animal to allow it to be or run at large.

Section Five: Responsible Domestic Animal Care

It shall be unlawful for any owner or harbinger of a domestic animal not to provide for his animal:

- (a) sufficient quantity of good and wholesome food and water
- (b) proper protection and shelter from the weather
- (c) veterinary care when needed to prevent suffering; and
- (d) humane treatment

Section Six: Taking or causing escape

It shall be unlawful for anyone to take a domestic animal from the confinement or restraint of its owner or of the person in charge or control of it or to cause a domestic animal to escape from such confinement or restraint without specific permission therefore from the owner or person in charge or control of the domestic animal.

Section Seven: Nuisance Barking and Howling

It shall be unlawful for the owner of a domestic animal to suffer or permit (on his lot or premises), the loud and frequent or continues barking, howling, or yelping of any domestic animals as to annoy and disturb the peace.

Section Eight: Vicious Dog:

1. Any dog with a known personality, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals.
2. Any dog which without provocation attacks, or bites or has attacked or bitten, a human being or domestic animal.
3. Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contained as an element of its breeding the breed of American Pit Bull Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

5. It shall be unlawful for the owners of dog/dogs to possess or keep in the Town of Margaret a vicious dog/dogs unless same is securely confined or bound in such a manner as to prevent the dog/dogs from biting or attacking a person or other animal and a sign is prominently displayed/posted on the dog/dogs or on the premises where the dog/dogs are located which warns others that the dog/dogs is vicious.

Section Nine: Identification

Any domestic animal without property identification will be taken to Pell City Animal Shelter.

Section Ten: Insurance

Homeowners insurance required with Section 8.

Section Eleven: Penalties

Any person violating any of the provisions of this Ordinance shall be required to pay a penalty to the town clerk as follows:

- First offense - warning from Police Department
- Second offense - \$40.00
- Third offense - \$100.00
- Fourth offense - court appearance

Except in the case of any person who shall fail to confine or bind a vicious dog as provided in Section 8 hereof, the offender may enter a guilty plea by written waiver and same may be accepted by the Magistrate without the necessity of the offender appearing in municipal court

Section Twelve: Failure to Comply

Any person who fails to comply with the provision of this Ordinance shall be summoned to appear before the Municipal Judge, as provided by Supreme Court Rule, and shall, upon conviction, be guilty of a misdemeanor and shall be fined a sum not to exceed FIVE HUNDRED (\$500.00) dollars.

Section Thirteen: Validity

If any section, clause or provision of this Ordinance be declared Unconstitutional or held invalid, it shall not affect any section, clause or provision of this Ordinance.

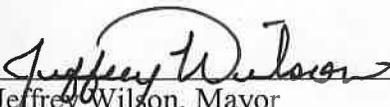
Section Fourteen: Effective Date

This Ordinance shall become effective upon passage, approval and publication as required by law.

Page 4

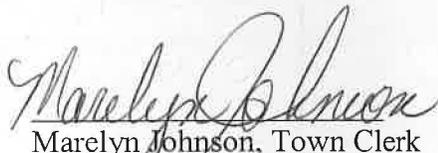
Ordinance# 06-113

ADOPTED AND APPROVED THIS THE 2nd DAY OF January, 2007.



Jeffrey Wilson, Mayor

Attest:



Marelyn Johnson, Town Clerk

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #06-1113 was adopted by the Mayor and Town Council on January 2, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on January 3, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

Page 4

Ordinance# 06-113

ADOPTED AND APPROVED THIS THE 2nd DAY OF January, 2007.



Jeffrey Wilson, Mayor

Attest:



Marelyn Johnson, Town Clerk

2007 3341
Recorded in the Above
DEED Book & Page
02-23-2007 11:30:12 AM
Wallace Wyatt Jr - Probate Judge
St. Clair County, Alabama

ORDINANCE # 07-206

WHEREAS ON THE 6 DAY OF February 2007 , ALL
PROPERTY OWNERS
North Valley Church /Michael Ethridge, Church Administrator, 900 Woodland Circle

Of the real property hereinafter described in Exhibit "A", which is attached hereto and incorporated herein
Buy reference, did file with the Town Clerk, a petition or petitions asking that the said tracts or parcels of
land to be annexed to and became part of the Town of Margaret; and

WHEREAS, said petition did contain the signatures of all the owners of the described territory
and a map of said property showing its relationship to the corporate limits of the Town of Margaret; and

WHEREAS. The governing body did determine that it is in the public interest that said property
be annexed to the Town of Margaret and it did further determine that all legal requirements for annexing
said real property have been met, pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama,
1975:

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
MARGARET, ALABAMA AS FOLLOWS;

Section 1. The council of the Town of Margaret, Alabama finds and declares as
the legislative body of the Town that it is in the best interest of the citizens of the Town, and the citizens of
the affected area, to bring the territory described in Section 2 of the Ordinance into the Town of Margaret.

Section 2. The boundary lines of The Town of Margaret, Alabama be, and the
same are, hereby altered or rearranged so as to include all the territory heretofore encompassed by the
corporate limits of the Town of Margaret, and in addition thereto the following described territory, to-wit:
See Exhibit "A" attached hereto and make a part hereof

Section 3. That the property owners shall be responsible for the payment of all fire
dues, assessments or other charges, if any, whether previously, incurred, currently owned, or that may
become due in the future.

Section 4. This Ordinance shall be published as provided by law and a certified
copy of the petition of the property owners shall be filed with the Probate Judge of the County were
located.

Page 2
Ordinance # 07-206

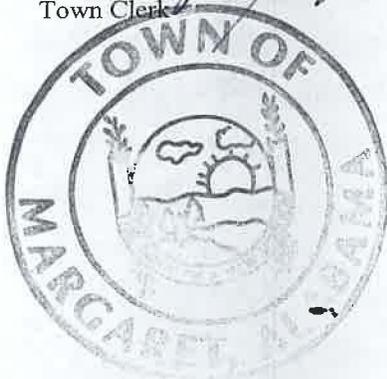
Section 5. The territory described in this Ordinance shall become a part of the corporate limits of the Town of Margaret, Alabama, upon publication of this Ordinance as set forth in Section 3. above.

ADOPTED AND APPROVED THIS THE 6th DAY OF February 2007

Jerry Wilson
Mayor

Attest:

Marilyn Johnson
Town Clerk



PETITION FOR ANNEXATION

2007 3343
Recorded in the Above
DEED Book & Page
02-23-2007 11:30:12 AM

TO: TOWN OF MARGARET, ALABAMA

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file with the Town Clerk this written petition asking and requesting that our property hereinafter described be annexed to the Town of Margaret, Alabama, under the authority of Sections 11-42-20 through 11-42-24, Code of Alabama 1975.

Said property is described in Exhibit "A" attached hereto and made a part hereof.

We further certify that said property is contiguous to the Town of Margaret, Alabama, and that none of the property lies within the corporate limits of another municipality. We further certify that all of the property included in the above description which lies within the police jurisdiction of both the annexing municipality and another municipality is located closer to the annexing municipality than to the other municipality as required by Section 11-42-21, Code of Alabama 1975.

We do hereby request that the Town Council and Town Clerk give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the Town of Margaret, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this the 1 day of February, 2007.

By: Michael E. Smith
Associate Pastor /
Church Administrator

2007 3344
Recorded in the Above
DEED Book & Page
02-23-2007 11:30:12 AM

TOWN OF MARGARET
WATER DEPARTMENT
P.O. BOX 207
MARGARET, ALABAMA 35112
TELEPHONE (205) 629-7001

RIGHT OF ENTRY AGREEMENT

To Whom It May Concern:

Permission is granted to The Town of Margaret Water Department, its agents and contractors to perform certain activities more specifically described as follows:

Installation of water mains and service lines in a field determined easement.

The activities performed on the Premises by The Town of Margaret Water Department are permitted hereunder on the following terms and conditions:

- (1) The Town of Margaret Water Department will leave the construction area consistent with its condition prior to the installation of water mains and service lines.
- (2) Upon completion of this construction, the easement will be 5 feet from the center line of the installed water main.
- (3) All construction activities will be performed in accordance with The Town of Margaret Water Department.

Michael Edwards
By (Property Owners Signature)

Della Burtrum
Witness Signature

900 Woodland Circle
Property Address

Witness Signature

Feb 1, 2007
Date

2007 3345
Recorded in the Above
DEED Book & Page
02-23-2007 11:30:12 AM

GRANTOR:

BIRNUM DEVELOPMENT, INC.

[Signature]
Witness

Brian Camp
Brian Camp, President

[Signature]
Witness

STATE OF ALABAMA)
:
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Brian Camp, whose name as President of Birnum Development, Inc., an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

GIVEN under my hand and official seal this the 18th day of December, 2006.

[Signature]
NOTARY PUBLIC
My Commission Expires: 12/27/07

[SEAL]

This instrument prepared by:

Brian G. Wilson, Esq.
Cabaniss, Johnston, Gardner,
Dumas & O'Neal
Post Office Box 830612
Birmingham, AL 35283-0612

2007 3346
Recorded in the Above
DEED Book & Page
02-23-2007 11:30:12 AM

GENERAL WARRANTY DEED

STATE OF ALABAMA

Send Tax Notice To:

COUNTY OF ST. CLAIR

South Roebuck Baptist Church
501 Mountain Drive
Birmingham, AL 35206

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, paid to the undersigned, **BIRNUM DEVELOPMENT, INC.**, an Alabama corporation ("Grantor"), by **SOUTH ROEBUCK BAPTIST CHURCH**, an Alabama non-profit organization ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby **GRANT, BARGAIN, SELL and CONVEY**, forever, unto Grantee, its successors and assigns, in fee simple, together with every contingent remainder and right of reversion, the following described property situated in St. Clair County, Alabama, to wit (the "Property"):

Commence at a 3 inch capped pipe marking the SE corner of the NW 1/4-SE 1-4 of Section 1, Township 16 South, Range 1 East; thence north 00 degrees 33 minutes 46 seconds east 737.39 feet along the east line of said forty to a 1/2 inch capped rebar (LS#21183) also being the point of beginning; thence leaving said forty line north 83 degrees 09 minutes 59 seconds west 130.80 feet to a 1/2 inch capped rebar (LS#21183); thence south 35 degrees 51 minutes 58 seconds west 130.34 feet to a 1/2 inch capped rebar (LS#21183); thence south 01 degrees 00 minutes 31 seconds west 292.43 feet to a 1/2 inch capped rebar (LS#21183); thence south 45 degrees 22 minutes 55 seconds west 73.72 feet to a 1/2 inch capped rebar (LS#21183); thence south 81 degrees 32 minutes 24 seconds west 160.73 feet to a 1/2 inch capped rebar (LS#21183); thence south 27 degrees 53 minutes 22 seconds west 105.49 feet to a 1/2 inch capped rebar (LS#21183); thence south 07 degrees 06 minutes 36 seconds west 146.13 feet to a 1/2 inch capped rebar (LS#21183); thence north 85 degrees 47 minutes 23 seconds west 289.75 feet to a 1/2 inch capped rebar (LS#21183); thence south 46 degrees 36 minutes 40 seconds west 106.23 feet to a 1/2 inch capped rebar (LS#21183); thence south 30 degrees 14 minutes 39 seconds west 951.51 feet to a 1/2 inch capped rebar (LS#21183) on the west line of the SW 1/4-SE 1/4 of said Section; thence north 00 degrees 28 minutes 49 seconds east 1592.39 feet along the west line of the SW 1/4-SE 1/4 and the NW 1/4-SE 1/4 of said Section

to point on the center line of a 60 foot easement; thence leaving said forty line and along said centerline along a curve having a radius of 350.00 feet and a chord bearing and distance of north 42 degrees 00 minutes 45 seconds east 242.32 feet to a point; thence north 21 degrees 45 minutes 32 seconds east 197.47 feet along said centerline to a point; thence along said centerline along a curve having a radius of 100.00 feet and a chord bearing and distance of north 28 degrees 29 minutes 37 seconds east 23.45 feet to a point; thence north 35 degrees 13 minutes 41 seconds east 147.36 feet along said centerline to a point on the southwesterly R/W of Sanie Road (60 foot R/W); thence leaving said centerline south 47 degrees 46 minutes 49 seconds east 185.81 feet along said R/W to a 1/2 inch capped rebar (LS#21183); thence along said R/W along a curve having a radius 663.34 feet and a chord bearing and distance of south 56 degrees 46 minutes 42 seconds east 207.49 to a 1/2 inch capped rebar (LS#21183); thence south 65 degrees 46 minutes 35 seconds east 101.20 feet along said R/W to a 1/2 inch capped rebar (LS#21183); thence along said R/W along a curve having a radius 278.41 feet and a chord bearing and distance of south 79 degrees 36 minutes 58 seconds east 133.20 feet to a 1/2 inch capped rebar (LS#21183); thence north 86 degrees 49 minutes 17 seconds east 312.03 feet along said R/W to a 1/2 inch capped rebar (LS#21183); thence along said R/W along a curve having a radius of 1735.14 feet and a chord bearing and distance of north 89 degrees 15 minutes 04 seconds east 147.12 feet to a 1/2 inch capped rebar (LS#21183) on the east line of the NW 1/4-SE 1/4 of said Section; thence leaving said R/W south 00 degrees 33 minutes 46 seconds west 242.12 feet along the east line of said forty to the point of beginning.

Subject to a Non-exclusive Easement Described as Follows:

Commence at a 2 inch channel iron marking the NW corner of the NW 1/4-SE 1/4 of Section 1, Township 16 South, Range 1 East; thence south 00 degrees 28 minutes 49 seconds west 591.01 feet along the west line of said forty to a point on the centerline of a 60 foot easement also being the point of beginning; thence leaving said forty line and including 30 feet to each side of the following described line; thence along said centerline along a curve having a radius of 350.00 feet and a chord bearing and distance of north 42 degrees 00 minutes 45 seconds east 242.32 feet to a point; thence north 21 degrees 45 minutes 32 seconds east 197.47 feet along said centerline to a point; thence along said centerline along a curve having a radius of 100.00 feet and a chord bearing and distance of north 28 degrees 29 minutes 37 seconds east 23.45 feet to a point; thence north 35 degrees 13 minutes 41 seconds east 147.36 feet

along said centerline to a point on the southwesterly R/W of Sanie Road (60 foot R/W) also being the end of said easement;

together with all and singular any fixtures, rights, easements, privileges, tenements and appurtenances thereunto belonging or in anywise appertaining; subject, however, to the following:

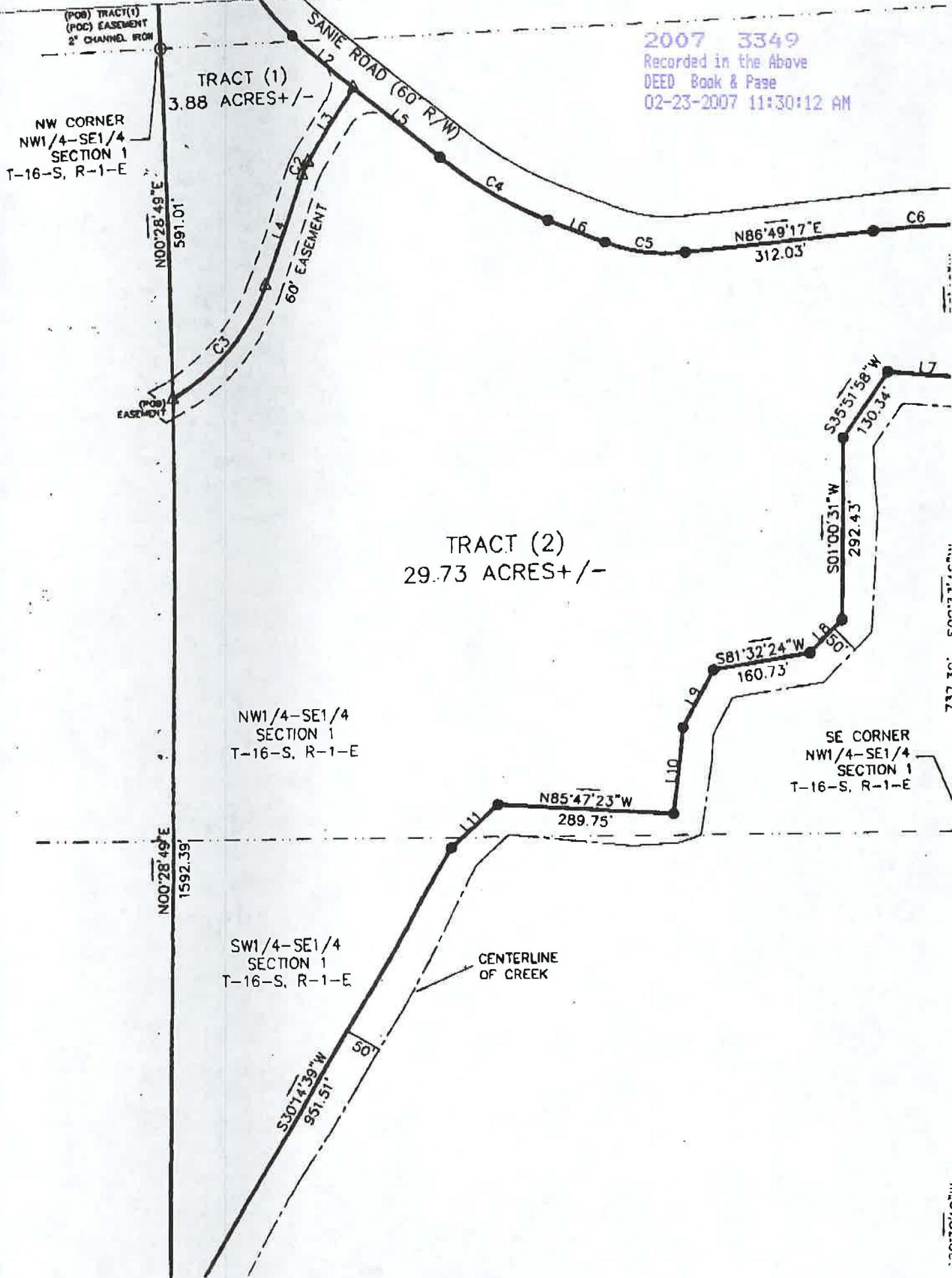
1. Title to all minerals within and underlying the Property and all mining rights not owned by Grantor;
2. Taxes due for the tax year ending September 1, 2007, and all subsequent years, which are a lien on the Property, but are not yet due and payable;
3. All zoning and building regulations or restrictions, ordinances and any violations thereof;
4. All utility easements, residential subdivision covenants and restrictions and building liens of record affecting title to or use of the Property;
5. Pole line permit heretofore granted to Alabama Power Company as shown in deed book 82, page 591, in the office of the Judge of Probate of St. Clair County, Pell City, Alabama;
6. Rights of way heretofore granted to St. Clair County as shown in deed book 88, page 83, and in deed book 104, page 52, in the office of the Judge of Probate of St. Clair County, Pell City, Alabama.

Grantor does for itself, and for its successors and assigns, covenant with Grantee, and its successors and assigns, that Grantor is lawfully seized in fee simple of said Property; that said Property is free from any and all encumbrances, unless otherwise noted above; that Grantor has a good right to sell and convey said Property; and that Grantor will, and its successors and assigns shall, forever warrant and defend said Property to Grantee and its successors and assigns, forever, against the lawful claims of all persons whomsoever.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns, in fee simple, forever, together with every contingent remainder and right of reversion.

IN WITNESS WHEREOF, Grantor has executed this instrument on this the 18th day of December, 2006.

2007 3349
Recorded in the Above
DEED Book & Page
02-23-2007 11:30:12 AM



2007 3350
Recorded in the Above
DEED Book & Page
02-23-2007 11:30:12 AM
Wallace Wyatt Jr - Probate Judge
St. Clair County, Alabama
Book/Pg: 2007/3341
Term/Cashier: N RECORDS / ANYI
Tran: 4011.107594.164303
Recorded: 02-23-2007 11:31:26
CER Certification Fee 1.00
PJF Special Index Fee 5.50
REC Recording Fee 30.00
Total Fees: \$ 36.50

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #07-206 was adopted by the Mayor and Town Council on February 6, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on February 9 .2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

2007 3350
Recorded in the Above
DEED Book & Page
02-23-2007 11:30:12 AM
Wallace Wyatt Jr - Probate Judge
St. Clair County, Alabama
Book/Pg: 2007/3341
Term/Cashier: N RECORDS / ANYI
Tran: 4011.107594.164303
Recorded: 02-23-2007 11:31:26
CER Certification Fee 1.00
PJF Special Index Fee 5.50
REC Recordings Fee 30.00
Total Fees: \$ 36.50

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #07-206 was adopted by the Mayor and Town Council on February 6, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on February 9, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall



TOWN OF MARGARET

P. O. Box 309
Margaret, Alabama 35112
(205) 629-5742 fax:(205) 629-5501
DAWN OF A NEW HORIZON



Jeffrey Wilson
Mayor

Marelyn Johnson
Town Clerk

Council Members
Tim Barrett
James Chapman
Phyllis Chapman
Charles Hicks
Daryl McIntyre

March 8, 2007

VIA: CERTIFIED MAIL

CHIEF VOTING SECTION
CIVIL RIGHTS DIVISION
ROOM 7254- NWB
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE NW
WASHINGTON, D.C.

DEAR SIR:

As required by Section 5 of the Voting Rights Act, I am enclosing for the approval of the Justice Department a copy of Ordinance # 07-206 of the Town of Margaret, Alabama providing for the annexation of land into the Town of Margaret, Alabama. This Ordinance was approved on February 6, 2007 the following us submitted.

- (a) A copy of the ordinance
- (b) Voting will be changed in that this additional territory will be added to the Town. No registered voters will be added to district two.
- (c) The change noted above is readily apparent on the face of the ordinance.
- (d) Marelyn Johnson, Town Clerk, Town of Margaret, 125 School Street Margaret, Alabama 35112

(e) Town of Margaret Town Council

(f) The Town of Margaret is located in St, Clair County, Alabama. The real estate

Annexed pursuant to the ordinance # 07-206 is also located in St. Clair County, Alabama.

(g) Town of Margaret Town Council, This Ordinance was accomplished by unanimous petition of all landowners who are contiguous to the Town of Margaret, Alabama, signed a petition requesting annexation to the Town Council of the Town of Margaret, Alabama pursuant to Section 11-42-20, Code of Alabama (1975), The petition was accepted by the Town of Margaret and was adopted which annexed the property into the Town.

(h)

(i) The change, which will be added the additional voters as set out herein, will Not be in force until approval is obtained from the Justice Department.

(j) The change has not yet been enforced or administered.

(k) The change will affect the entire jurisdiction of the Town of Margaret in the election of the Mayor in that the Mayor is elected at large. However, it will only affect the Council in the district in which the property was annexed by by adding no (0) registered voters in that Council district.

(l) The reason for the annexation was the petition by the property owners whose property was contagious to the Town of Margaret, Alabama for annexation.

(m) The members of racial or language minority groups is not affected.

(n) There is presently no litigation pending concerning the change or any related voting practices and, based upon information and belief, there has been no such past litigation.

(o) Based upon information and belief, there has been no pre-clearance and the proposed change is not subject to the pre-clearance requirement.

Page 3

(p) Attached here to is a copy of the map which shows the land that was annexed

- (q)
1. The present and expected future use of the annexed land that is residential.
 2. There is no anticipated development.
 3. All prior annexation subject to the pre-clearance requirement have been submitted for review.

Should you have any questions concerning this correspondence or need additional information please do not hesitate to contact me.

Sincerely,

Marelyn Johnson
Town Clerk

2007 3351
Recorded in the Above
DEED Book & Page
02-23-2007 11:34:07 AM
Wallace Wyatt Jr - Probate Judge
St. Clair County, Alabama

ORDINANCE # 07-220

WHEREAS ON THE 20 DAY OF February _____ 2007 , ALL
PROPERTY OWNERS
Adenus Management Solutions, LLC (Carrington Lakes Drip Disposal Area) Charles Pickney

Of the real property hereinafter described in Exhibit "A", which is attached hereto and incorporated herein
Buy reference, did file with the Town Clerk, a petition or petitions asking that the said tracts or parcels of
land to be annexed to and became part of the Town of Margaret; and

WHEREAS, said petition did contain the signatures of all the owners of the described territory
and a map of said property showing its relationship to the corporate limits of the Town of Margaret; and

WHEREAS. The governing body did determine that it is in the public interest that said property
be annexed to the Town of Margaret and it did further determine that all legal requirements for annexing
said real property have been met, pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama,
1975:

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
MARGARET, ALABAMA AS FOLLOWS;

Section 1. The council of the Town of Margaret, Alabama finds and declares as
the legislative body of the Town that it is in the best interest of the citizens of the Town, and the citizens of
the affected area, to bring the territory described in Section 2 of the Ordinance into the Town of Margaret.

Section 2. The boundary lines of The Town of Margaret, Alabama be, and the
same are, hereby altered or rearranged so as to include all the territory heretofore encompassed by the
corporate limits of the Town of Margaret, and in addition thereto the following described territory, to-wit:
See Exhibit "A" attached hereto and make a part hereof

Section 3. That the property owners shall be responsible for the payment of all fire
dues, assessments or other charges, if any, whether previously, incurred, currently owned, or that may
become due in the future.

Section 4. This Ordinance shall be published as provided by law and a certified
copy of the petition of the property owners shall be filed with the Probate Judge of the County were
located.

Section 5. The territory described in this Ordinance shall become a part of the corporate limits of the Town of Margaret, Alabama, upon publication of this Ordinance as set forth in Section 3. above.

ADOPTED AND APPROVED THIS THE 20th DAY OF February 2007.

Jeffrey Wilson
Mayor

Attest:

Margelyn Johnson
Town Clerk

The seal of the Town of Margaret, Alabama, is circular. It features a central emblem with a sun rising over a body of water, with a bridge or structure in the background. The words "TOWN OF MARGARET, ALABAMA" are inscribed around the perimeter of the seal.

PETITION FOR ANNEXATION

2007 3353
Recorded in the Above
DEED Book & Page
02-23-2007 11:34:07 AM

TO: TOWN OF MARGARET, ALABAMA

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file with the Town Clerk this written petition asking and requesting that our property hereinafter described be annexed to the Town of Margaret, Alabama, under the authority of Sections 11-42-20 through 11-42-24, Code of Alabama 1975.

Said property is described in Exhibit "A: attached hereto and made a part hereof.

We further certify that said property is contiguous to the Town of Margaret, Alabama, and that none of the property lies within the corporate limits of another municipality. We further certify that all of the property included in the above description which lies within the police jurisdiction of both the annexing municipality and another municipality is located closer to the annexing municipality than to the other municipality as required by Section 11-42-21, Code of Alabama 1975.

We do hereby request that the Town Council and Town Clerk give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the Town of Margaret, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this the 16th day of February, 2007.

Adeus Management Solutions, LLC.

By:

Chris Gentry, Manager

Exhibit A**Carrington Lakes Drip Disposal Area**

Approximately 80 acres as described: The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 14, Township 16 South, Range 1 East, St. Clair County, Alabama.

Also approximately 20 acres as described: All that part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 15, Township 16 South, Range 1 East, St. Clair County, Alabama lying East of Black Jack Road.

Being 100 acres more or less.

2007 3354
Recorded in the Above
DEED Book & Page
02-23-2007 11:34:07 AM

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed as of the 28 day of September 2005.

Carrington Lakes, LLC.

By: Jack A. Harris
Its: MANAGER

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Jack A. Harris, as Managing Member of Carrington Lakes, LLC, a Limited Liability Company, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, executed the same voluntarily on behalf of said Limited Liability Company on the day the same bears date.

Given under my hand and official seal this 28 day of September, 2005.

Albert Thomas
Notary Public

AFFIX SEAL.

My commission expires: 11/16/07

2007 3355
Recorded in the Above
DEED Book & Page
02-23-2007 11:34:07 AM

THIS INSTRUMENT PREPARED BY:
Jeffery S. DeArman, Esq.
Adams and Reese/Lange Simpson LLP
2100 3rd Avenue North, Suite 1100
Birmingham, Alabama 35203

SEND TAX NOTICE TO:

STATE OF ALABAMA)

ST. CLAIR COUNTY)

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that in consideration of ONE AND NO/100 DOLLARS (\$1.00) and other good and valuable consideration paid to the undersigned Carrington Lakes LLC., an Alabama Limited Liability Company, (the "Grantor"), by Alabama Wastewater, Inc., a corporation (the "Grantee"), the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee the real estate described on Exhibit A, which is attached hereto and incorporated herein, situated in St. Clair County, Alabama (the "Property"), to-wit:

TOGETHER WITH all buildings, structures and improvements thereon, and all and singular the rights, alleys, ways, waters, privileges, hereditaments and appurtenances to said Property belonging or in anyway incident or appertaining.

This conveyance is subject to all covenants, restrictions and other matters that appear of record, as well as taxes and assessments for the current year and all subsequent years, which are not yet due and payable.

TO HAVE AND TO HOLD to the Grantee, its successors and assigns forever.

Grantor makes no warranty or covenant respecting the nature of the quality of the title to the Property hereby conveyed other than that the Grantor has neither permitted nor suffered any lien, encumbrance or adverse claim to the Property described herein since the date on which Grantor obtained title to the Property.

2007 3356
Recorded in the Above
DEED Book & Page
02-23-2007 11:34:07 AM

2007 3357
Recorded in the Above
DEED Book & Page
02-23-2007 11:34:07 AM

THIS INSTRUMENT PREPARED BY:
Jere McCulloch
Rochelle, McCulloch & Aulds, PLLC
109 Castle Heights Ave North
Lebanon, TN 37087

SEND TAX NOTICE TO:
Adenus Management Solutions, LLC
7638 River Road Pike
Nashville, TN 37209

**STATE OF ALABAMA
COUNTY OF JEFFERSON**

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS. That for and in consideration of the sum of Ten (\$10) Dollars cash in hand, receipt of which is hereby acknowledged, CANAAN SYSTEMS, INC., a corporation, successor by name change to Alabama Wastewater, Inc. (hereinafter referred to as "GRANTOR") does by these presents, grant, bargain, sell and convey unto ADENUS MANAGEMENT SOLUTIONS, L.L.C., an Alabama limited liability company (hereinafter referred to as "GRANTEE") the following described real estate, situated in St. Clair County, Alabama, to-wit:

Currington Lakes Drip Disposal Area

Approximately 80 acres as described: The S 1/2 of the SW 1/4 of Section 14, Township 16 South, Range 1 East, St. Clair County, Alabama.

Also approximately 20 acres as described: All that part of the SE 1/4 of the SE 1/4 Section 15, Township 16 South, Range 1 East, St. Clair County, Alabama lying East of Black Jack Road. Being 100 acres, more or less.

This conveyance is made subject to any and all easements, reservations and restrictions, if any, appearing of record affecting said property, ad valorem taxes for the current year and subsequent years.

For ad valorem tax purposes only, the address of the Grantee is 7638 River Road Pike, Nashville, TN 37209, which is not the mailing address of the property.

Subject to the following:

The above described property shall not be sold, assigned or otherwise divested of any interest therein without the express written consent of the Alabama Department of Public Health for so long as Alabama Code Section 22-25A-1 et seq. (as amended from time to time) is applicable to GRANTEE's use of the property. This restriction is intended to run with the land.

The above-described property is subject to a restriction on transfer or encumbrance pursuant to Alabama Code Section 22-25A-1 et seq.

TO HAVE AND TO HOLD, unto the said GRANTEE forever. Said GRANTOR does for itself, its successors and assigns, covenant with said GRANTEE and its successors and assigns, that it is lawfully seized in fee simple of said premises, that they are free from all encumbrances unless otherwise noted above, that it has a good right to sell and convey the same as aforesaid, and that it will, and its successors and assigns shall, warrant and defend the same to the said GRANTEE, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR, by its President, Bob Guthrie, who is authorized to execute this conveyance, has hereto set its signature and seal, this the 14th day of November, 2006.

ATTEST:

CANAAN SYSTEMS, INC.

By: [Signature]
Its: Jere McCulloch

By: [Signature]
Bob Guthrie, President

**STATE OF ALABAMA
COUNTY OF JEFFERSON**

I, THE UNDERSIGNED, a Notary Public in and for said County, in said State, hereby certify that Bob Guthrie whose name as President of Canaan Systems, Inc., a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer of the corporation and with full authority, executed the same voluntarily for and as the act of said corporation acting in its capacity as such officer of said corporation.

Given under my hand and official seal this the 14th day of November, 2006.

[Signature]
Notary Public
My Commission Expires: 11/7/07

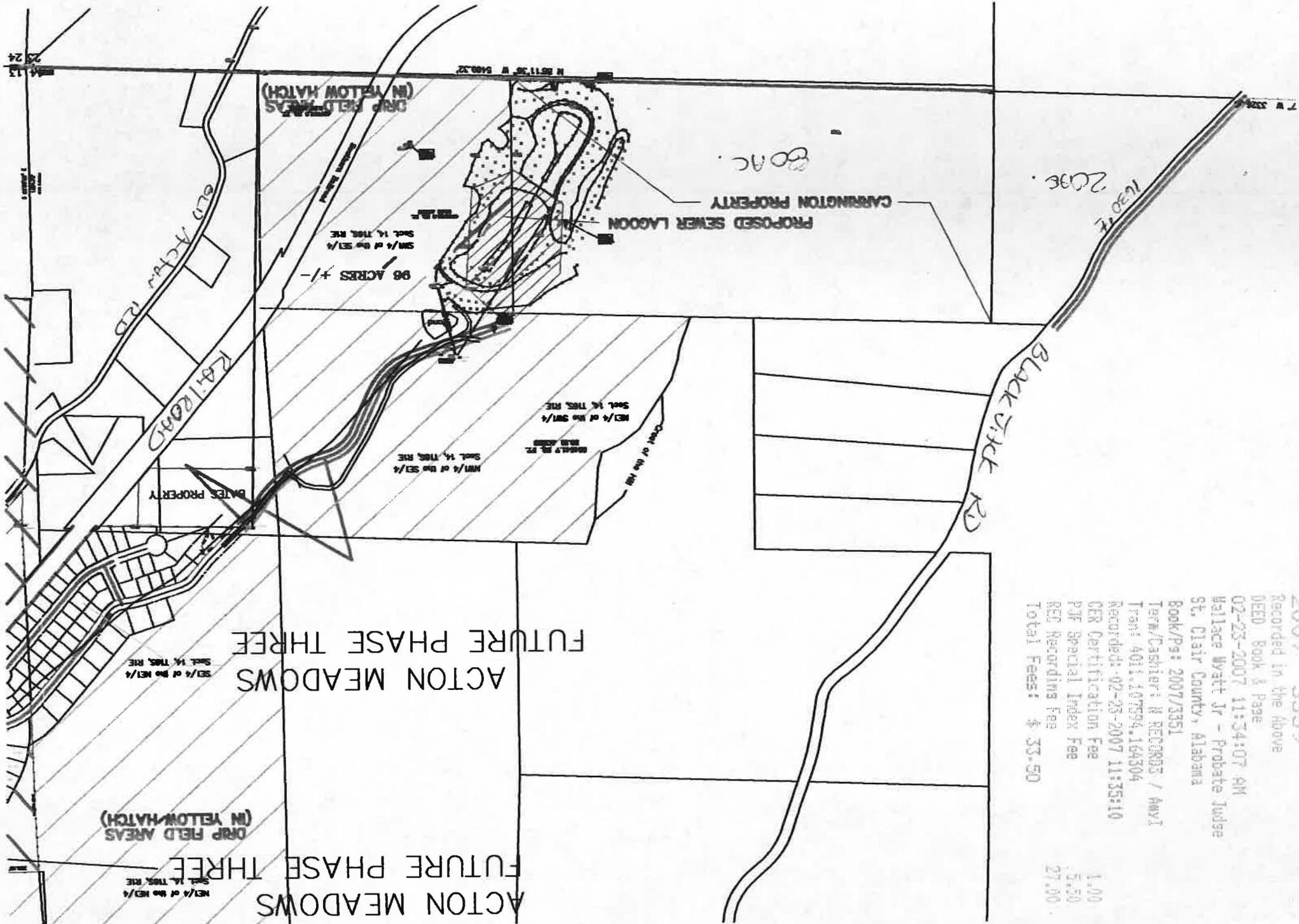
Exhibit A**Carrington Lakes Drip Disposal Area**

Approximately 80 acres as described: The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 14, Township 16 South, Range 1 East, St. Clair County, Alabama.

Also approximately 20 acres as described: All that part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 15, Township 16 South, Range 1 East, St. Clair County, Alabama lying East of Black Jack Road.

Being 100 acres more or less.

2007 3358
Recorded in the Above
DEED Book & Page
02-23-2007 11:34:07 AM



2007 3359
 Recorded in the Above
 DEED Book & Page
 02-23-2007 11:34:07 AM
 Wallace Wyatt Jr - Probate Judge
 St. Clair County, Alabama
 Book/Page: 2007/3351
 Term/Cashier: H RECORDS / Any1
 Trans: 4011-107594,164304
 Recorded: 02-23-2007 11:35:10
 CER Certification Fee
 PJP Special Index Fee
 REG Recording Fee
 Total Fees: \$ 33.50

1.00
 5.50
 27.00

ACTON MEADOWS
FUTURE PHASE THREE

ACTON MEADOWS
FUTURE PHASE THREE

SE1/4 of the NE1/4
Sect. 14, T10S, R1E

DROP FIELD AREAS
(IN YELLOW HATCH)

NE1/4 of the NE1/4
Sect. 14, T10S, R1E

NE1/4 of the SE1/4
Sect. 14, T10S, R1E

NE1/4 of the SW1/4
Sect. 14, T10S, R1E

98 ACRES +/-

SW1/4 of the SE1/4
Sect. 14, T10S, R1E

PROPOSED SEWER LAGOON
CARRINGTON PROPERTY

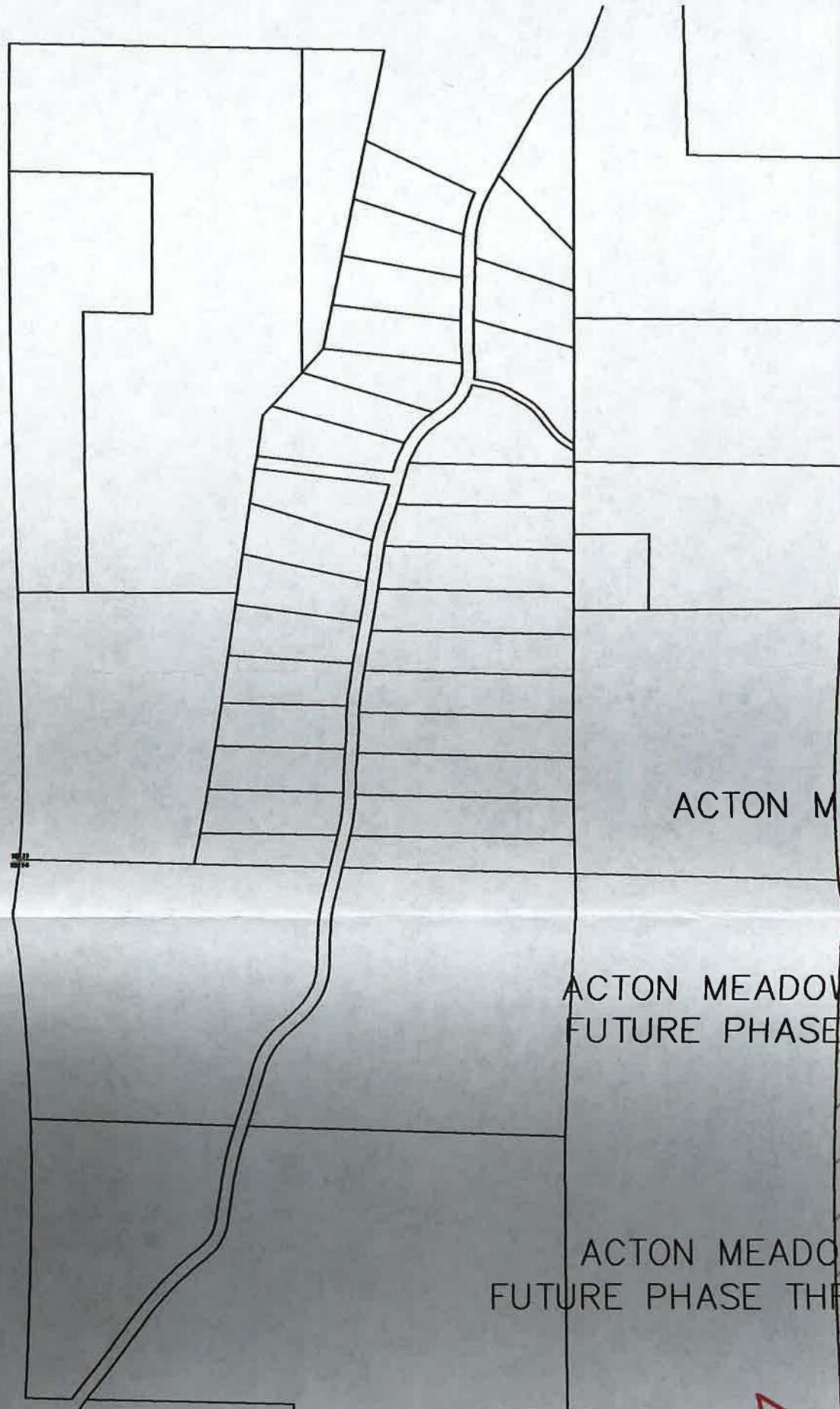
30 AC.

2093E

16307E

23 24

7 W 3359



ACTON M...

ACTON MEADOW
FUTURE PHASE

ACTON MEADOW
FUTURE PHASE TH...

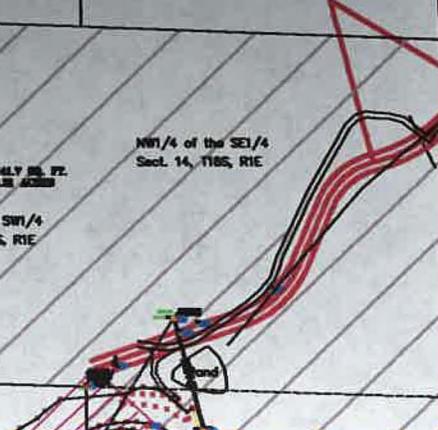
BLACK JACK RD

Center of the 160'

SEASLY 20.72
S.W. 1/4

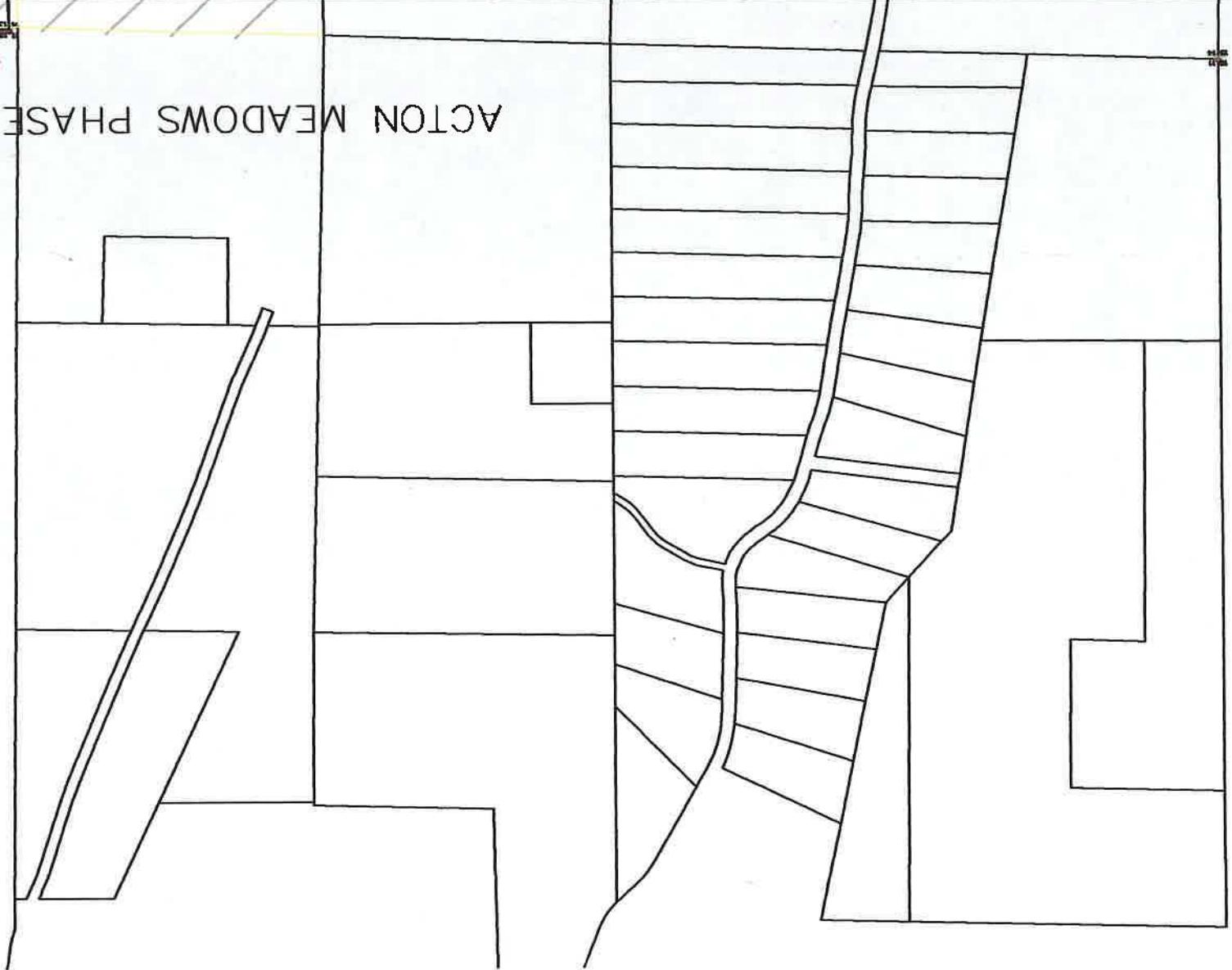
NW 1/4 of the SE 1/4
Sect. 14, T16S, R1E

NE 1/4 of the SW 1/4
Sect. 14, T16S, R1E



ACTON MEADOWS PHASE 1

Acres
31



ACTON MEADOWS
FUTURE PHASE THREE

NE1/4 of the NE1/4
Sect. 14, T16S, R1E
DRIP FIELD AREAS
(IN YELLOW HATCH)

ACTON MEADOWS
FUTURE PHASE THREE

SE1/4 of the NE1/4
Sect. 14, T16S, R1E

BLACKJACK RD

RAILROAD

OLD ACTON RD

ORIGINALLY 80 AC. PP.
20.25 ACRES
NE1/4 of the SW1/4
Sect. 14, T16S, R1E
NW1/4 of the SE1/4
Sect. 14, T16S, R1E

BATES PROPERTY

PROPOSED SEWER LAGOON
CARRINGTON PROPERTY

80 AC.

96 ACRES +/-
SW1/4 of the SE1/4
Sect. 14, T16S, R1E

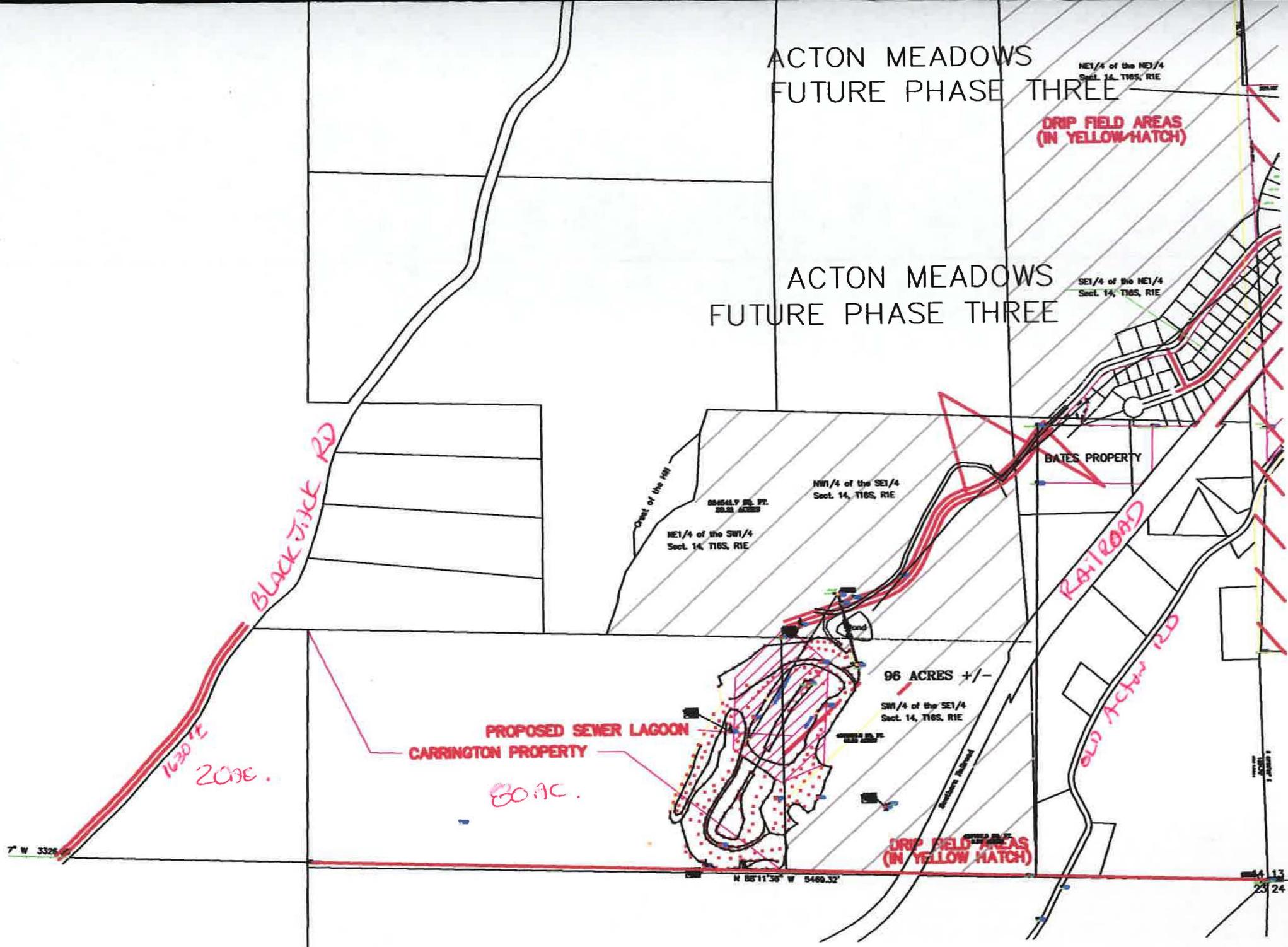
DRIP FIELD AREAS
(IN YELLOW HATCH)

1620 FE
20 AC.

7° W 3326'

N 85°11'36" W 5469.32'

13
24



ORDINANCE # 07-306

WHEREAS ON THE 06 DAY OF March 2007 , ALL
PROPERTY OWNERS
Valerie G. Church & Keith E. Church 22 Jacks Lane

Of the real property hereinafter described in Exhibit "A", which is attached hereto and incorporated herein
Buy reference, did file with the Town Clerk, a petition or petitions asking that the said tracts or parcels of
land to be annexed to and became part of the Town of Margaret; and

WHEREAS, said petition did contain the signatures of all the owners of the described territory
and a map of said property showing its relationship to the corporate limits of the Town of Margaret; and

WHEREAS. The governing body did determine that it is in the public interest that said property
be annexed to the Town of Margaret and it did further determine that all legal requirements for annexing
said real property have been met, pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama,
1975:

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
MARGARET, ALABAMA AS FOLLOWS;

Section 1. The council of the Town of Margaret, Alabama finds and declares as
the legislative body of the Town that it is in the best interest of the citizens of the Town, and the citizens of
the affected area, to bring the territory described in Section 2 of the Ordinance into the Town of Margaret.

Section 2. The boundary lines of The Town of Margaret, Alabama be, and the
same are, hereby altered or rearranged so as to include all the territory heretofore encompassed by the
corporate limits of the Town of Margaret, and in addition thereto the following described territory, to-wit:
See Exhibit "A" attached hereto and make a part hereof

Section 3. That the property owners shall be responsible for the payment of all fire
dues, assessments or other charges, if any, whether previously, incurred, currently owned, or that may
become due in the future.

Section 4. This Ordinance shall be published as provided by law and a certified
copy of the petition of the property owners shall be filed with the Probate Judge of the County were
located.

Section 5. The territory described in this Ordinance shall become a part of the corporate limits of the Town of Margaret, Alabama, upon publication of this Ordinance as set forth in Section 3. above.

ADOPTED AND APPROVED THIS THE 6th DAY OF March 2007.

Jeffery Wilson
Mayor

Attest:

Marilyn Johnson
Town Clerk

The seal of the Town of Margaret, Alabama, is circular. It features a central figure of a Native American man with a feathered headdress. The words "MARGARET, ALABAMA" are inscribed around the perimeter of the seal.

A BOUNDARY SURVEY

STATE OF ALABAMA
ST. CLAIR COUNTY

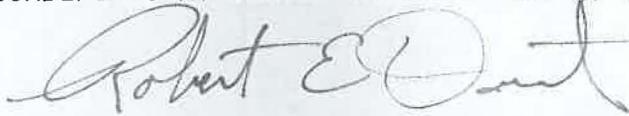
I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF OF THE FOLLOWING DESCRIBED PROPERTY:

PROPERTY LOCATED IN A PART OF THE NW1/4 OF NW1/4 OF SECTION 32, TOWNSHIP 15 SOUTH, RANGE 2 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NE CORNER OF THE NW1/4 OF NW1/4 OF SECTION 32, TOWNSHIP 15 SOUTH, RANGE 2 EAST; THENCE N 89°38'04"W ALONG THE NORTH LINE OF SAID 1/4 - 1/4 SECTION FOR A DISTANCE OF 503.75 FT. TO THE SOUTHEASTERLY RIGHT OF WAY OF SUMMIT PARK ROAD, SAID POINT BEING ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 19°53'57" A RADIUS OF 681.36 FT. A CHORD BEARING OF S 41°01'24"W A CHORD LENGTH OF 235.45 FT. THENCE ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY FOR A DISTANCE OF 236.64 FT. THENCE S 50°58'22"W ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 35.65 FT. TO THE POINT OF BEGINNING OF PARCEL HEREIN DESCRIBED; THENCE S 50°58'22"W ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 125.86 FT. TO THE EASTERLY SIDE OF A 10.00 FT. EASEMENT; THE NEXT 4 CALLS ARE ALONG EAST SIDE OF SAID EASEMENT; THENCE LEAVING SAID RIGHT OF WAY PROCEED S 70°05'35"E FOR A DISTANCE OF 95.68 FT. TO THE POINT OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 30°46'11" A RADIUS OF 128.56 FT. A CHORD BEARING OF S 54°42'30"E A CHORD LENGTH OF 68.21 FT. THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 69.04 FT. THENCE S 39°19'24"E FOR A DISTANCE OF 50.00 FT. TO THE POINT OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 59°10'22" A RADIUS OF 31.39 FT. A CHORD BEARING OF S 68°54'36"E A CHORD LENGTH OF 31.00 FT. THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 32.42 FT. THENCE N 17°01'21"W FOR A DISTANCE OF 5.45 FT. TO THE NORTHERLY LINE OF A 23.00 FT. EASEMENT; THENCE N 78°21'43"E ALONG SAID EASEMENT FOR A DISTANCE OF 128.68 FT. THENCE LEAVING SAID EASEMENT PROCEED N 53°53'23"W FOR A DISTANCE OF 288.29 FT. TO THE POINT OF BEGINNING.

ALSO THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FIRM (FLOOD INSURANCE RATE MAP) FOR UNINCORPORATED AREAS OF ST. CLAIR COUNTY, ALABAMA, COMMUNITY PANEL #010290 0175 B EFFECTIVE DATE SEPTEMBER 29, 1989 AND FOUND THAT THE ABOVE DESCRIBED PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.

ACCORDING TO MY SURVEY THIS 20TH DAY OF DECEMBER 2006



ROBERT E. DARTY, PLS, REG. #23001
706 DEERFIELD ROAD
PELL CITY, ALABAMA 35125
PHONE #205-338-7193



2007 4022
Recorded in the Above
DEED Book & Page
03-08-2007 10:34:57 AM

PETITION FOR ANNEXATION

TO: TOWN OF MARGARET, ALABAMA

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file with the Town Clerk this written petition asking and requesting that our property hereinafter described be annexed to the Town of Margaret, Alabama, under the authority of Sections 11-42-20 through 11-42-24, Code of Alabama 1975.

Said property is described in Exhibit "A: attached hereto and made a part hereof.

We further certify that said property is contiguous to the Town of Margaret, Alabama, and that none of the property lies within the corporate limits of another municipality. We further certify that all of the property included in the above description which lies within the police jurisdiction of both the annexing municipality and another municipality is located closer to the annexing municipality than to the other municipality as required by Section 11-42-21, Code of Alabama 1975.

We do hereby request that the Town Council and Town Clerk give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the Town of Margaret, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this the 4 day of March, 2007

By:

Valerie A. Church

Keith E. Church

St Clair County Parcel Viewer X: 464742.4843, Y: 1161652.7012
Current Action: Zoom In

Parcel Search
Features Selected: 0

Locate
Locations Found: 1
22 JACKS DR
Score: 81

Print

Map Labels: 8.016, 8.015, 8.017, 72.1739.4, 1783.1, 1718.5, 123.4, 247.14, 5.45, 821502

TOWN OF MARGARET
WATER DEPARTMENT
P.O. BOX 207
MARGARET, ALABAMA 35112
TELEPHONE (205) 629-7001

RIGHT OF ENTRY AGREEMENT

To Whom It May Concern:

Permission is granted to The Town of Margaret Water Department, its agents and contractors to perform certain activities more specifically described as follows:

Installation of water mains and service lines in a field determined easement.

The activities performed on the Premises by The Town of Margaret Water Department are permitted hereunder on the following terms and conditions:

- (1) The Town of Margaret Water Department will leave the construction area consistent with its condition prior to the installation of water mains and service lines.
- (2) Upon completion of this construction, the easement will be 5 feet from the center line of the installed water main.
- (3) All construction activities will be performed in accordance with The Town of Margaret Water Department.

Heith E. Church

By (Property Owners Signature)

Witness Signature

22 Jacks Ln. Odenville, AL 35120

Property Address

Witness Signature

3-6-07

Date

2007 4023

Recorded in the Above

DEED Book & Page

03-08-2007 10:34:57 AM

Wallace Wyatt Jr - Probate Judge

St. Clair County, Alabama

Book/Pg: 2007/4017

Term/Cashier: N RECORD3 / ANYI

Tran: 4028.108228.165288

Recorded: 03-08-2007 10:35:56

CER Certification Fee 1.00

PJF Special Index Fee 5.50

REC Recording Fee 21.00

Total Fees: \$ 27.50

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #07-306 was adopted by the Mayor and Town Council on March 6, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on March 9, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

March 8, 2007

VIA: CERTIFIED MAIL

CHIEF VOTING SECTION
CIVIL RIGHTS DIVISION
ROOM 7254- NWB
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE NW
WASHINGTON, D.C.

DEAR SIR:

As required by Section 5 of the Voting Rights Act, I am enclosing for the approval of the Justice Department a copy of Ordinance # 07-306 of the Town of Margaret, Alabama providing for the annexation of land into the Town of Margaret, Alabama. This Ordinance was approved on March 6, 2007 the following us submitted.

- (a) A copy of the ordinance
- (b) Voting will be changed in that this additional territory will be added to the Town. Two new registered voters will be added to district two.
- (c) The change noted above is readily apparent on the face of the ordinance.
- (d) Marelyn Johnson, Town Clerk, Town of Margaret, 125 School Street
Margaret, Alabama 35112

- (e) Town of Margaret Town Council
- (f) The Town of Margaret is located in St, Clair County, Alabama. The real estate

Annexed pursuant to the ordinance # 07-306 is also located in St. Clair County, Alabama.

- (g) Town of Margaret Town Council, This Ordinance was accomplished by unanimous petition of all landowners who are contiguous to the Town of Margaret, Alabama, signed a petition requesting annexation to the Town Council of the Town of Margaret, Alabama pursuant to Section 11-42-20, Code of Alabama (1975), The petition was accepted by the Town of Margaret and was adopted which annexed the property into the Town.

(h)

- (i) The change, which will be added the additional voters as set out herein, will Not be in force until approval is obtained from the Justice Department.
- (j) The change has not yet been enforced or administered.
- (k) The change will affect the entire jurisdiction of the Town of Margaret in the election of the Mayor in that the Mayor is elected at large. However, it will only affect the Council in the district in which the property was annexed by by adding two registered voters in that Council district.
- (l) The reason for the annexation was the petition by the property owners whose property was contagious to the Town of Margaret, Alabama for annexation.
- (m) The members of racial or language minority groups is not affected.
- (n) There is presently no litigation pending concerning the change or any related voting practices and, based upon information and belief, there has been no such past litigation.
- (o) Based upon information and belief, there has been no pre-clearance and the proposed change is not subject to the pre-clearance requirement.

Page 3

(p) Attached here to is a copy of the map which shows the land that was annexed

(q) 1. The present and expected future use of the annexed land that is residential.

2. There is no anticipated development.

3. All prior annexation subject to the pre-clearance requirement have been submitted for review.

Should you have any questions concerning this correspondence or need additional information please do not hesitate to contact me.

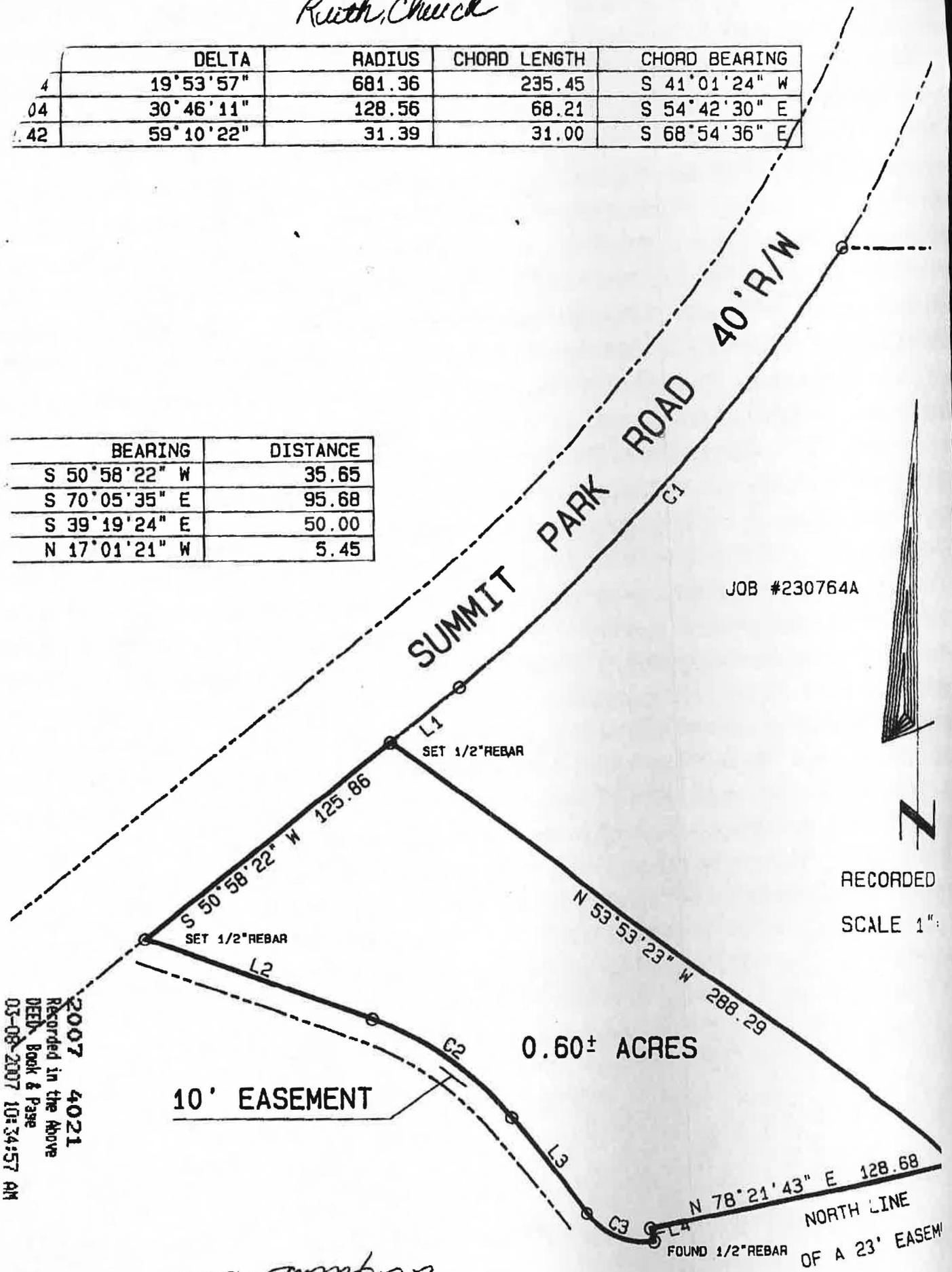
Sincerely,

Marelyn Johnson
Town Clerk

Ruth, Chuck

	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
4	19° 53' 57"	681.36	235.45	S 41° 01' 24" W
04	30° 46' 11"	128.56	68.21	S 54° 42' 30" E
42	59° 10' 22"	31.39	31.00	S 68° 54' 36" E

BEARING	DISTANCE
S 50° 58' 22" W	35.65
S 70° 05' 35" E	95.68
S 39° 19' 24" E	50.00
N 17° 01' 21" W	5.45



2007 4021
 Recorded in the Above
 DEED Book & Page
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22 feet here

AN ORDINANCE ESTABLISHING DESIGN STANDERS FOR SUBDIVISON ROADS

All proposed subdivisions shall confirm to the Town of Margaret ordinances. Whenever a tract to be subdivided embraces any part of a highway street, or road so designated on any county or regional plan, such part of such proposed public way shall be platted by the same width as indicated on such county or regional plan. The design standards of this article shall be the minimum standards allowable for development. Standards above the minimum may be required by the Town of Margaret. Detailed construction specifications and engineering requirements may be obtained from the Town, and per design consultation is encouraged.

Section 1.

- (a) All streets shall be platted along contour elevations, which will result in minimum grades and greater visibility wherever practical, with consideration given to the anticipated use of the land.
- (b) The proposed street layout shall be made according to good land planning practices for the type development proposed and shall be coordinated with the street systems of the surrounding areas.
- (c) In subdivisions which border on or have included within the proposed area to be subdivided any major highway or arterial street, access to lots abutting such major traffic arteries shall be provided in a manner such that the individual lots shall not have direct access to such expressway or arterial street.
- (d) The platting of any land, the purpose of which is to deny access to right-of-ways is prohibited, except as otherwise provided herein.
- (e) Street right-of-ways widths shall be in accord with recommendations of the Town and shall not be less than Sixty (60) feet. Subdivisions along existing, or dedicated, or platted streets or highways where right-of-ways are inadequate shall provide additional right-of-ways to meet these minimum standards.
- (f) All public streets shall be paved and concrete gutters or curbs may be required. The minimum roadway pavement shall be twenty-four (24) feet. A suitable hard surfaced permanent type of pavement shall be constructed as recommended by the Town. As a minimum, that will be approved, double surface treatment type paving on a suitable base may be allowed by the Town. Minimum of six (6) inch base, three (3) inch binder, a one (1) inch sub-finish with 95 % complexetion of subdivision and a one (1)

finish after subdivision is complete. Curb type three (3) foot valley gutter and twelve (12) foot lanes.

(g) Sidewalks made be required where deemed necessary for public safety by the Town.

(h) Street alignment shall be designed to eliminate sharp curves and street jogs. No street plan will be approved with intersections, which offset less than one hundred twenty-five (125) feet between centerlines. Streets shall intersect as nearly at right angles as possible and in no case at an angle of less than sixty (60) degrees.

(i) Tangents of at least one hundred (100) feet on all curves will be required unless there are local conditions that would warrant a shorter tangent.

(j) Dead-end street will not be approved except in cases where topography or surrounding development would warrant them or unless a dead-end street is for the purpose of connecting future development. The Town may require temporary easements for turn-around facilities.

(k) Cul-de-sacs shall not exceed five hundred (500) feet in length and shall terminate in a circle with a property line radius of not less than fifty (50) feet and an outside pavement radius of not less than forty (40) feet.

(l) Curb radii of twenty (20) feet or more shall be provided at the intersections of all other streets.

Section 2. Street Grades

(a) Grades of all streets shall comply with good engineering practice. Street grades shall not exceed fifteen percent (15%) or be less than five-tenth percent (0.5%). Minimum "K" shall be 20.

(b) Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than one hundred (100) feet from the centerline of said intersection.

(c) The Town may permit some variation from these grade requirements if in their opinion such variation will not adversely affect the safety and general welfare of the public.

(d) Streets shall be graded to a minimum line of seven (7) feet back of the curb line with a rise of not less than eight (8) inches or more than fifteen (15) inches from the flow line of the gutter.

(e) Minimum sight distance shall be 300'.

(F) Unless otherwise approved by the Town (with approval of the police, the speed limits shall be 25mph within subdivisions).

Section 3. Alleys, Easements and Half Streets

(a) Alleys will not be permitted in residential districts except as a continuation of an existing alley. Alley shall be required in commercial or industrial districts. If it is determined by the Town that conditions necessitates alleys in any such district. Where alleys are permitted, their width shall be not less than twenty (20) feet.

(b) Easements shall be not less than fifteen (15) feet in width except in cases of double-tiered lots where a width of seven. five (7.5) feet from each tier will be permitted. Where there exists a storm water ditch, creek or any other such watercourse, the easement shall be of sufficient width that such watercourse any be installed and maintained efficiently. The location of any storm water ditch, creek or watercourse shall not be changed without thee approval of the Town.

(c) Half streets will not be permitted except in such cases where there exists a half street contiguous thereto. Half streets, however, will not be permitted as an extension or continuation of an existing half street.

Section 4. Storm water drainage and grading

(a) All subdivisions shall be provided with adequate storm sewers. Design storm shall be 20 year, one hour duration.

(b) The platting of lots for building purposes will not be allowed an any flood plain area. Areas subject to periodic flooding or excessive flows or surface runoff will not be acceptable for development unless the sub divider makes necessary provisions to eliminate such flooding.

(c) All lots shall be graded in accordance with a grading plan approved by the Town, which plan shall incorporate the following minimum requirements, except when more stringent requirements are necessary and so specified by the Town.

1. No lot shall shed channeled surface runoff water onto any other lot, unless such runoff is contained within an easement provided, graded and dedicated for such purpose.

2. The finished slope along the bottom centerline of any lot drainage easement shall be not less than one percent (1%).

3. No Street shall shed surface runoff water onto any lot.

(d) No subdivision or part thereof shall shed concentrated storm/runoff water, either as surface runoff or an outfall from storm sewerage structures on to any adjoining land unless such runoff is contained within an existing drainage easement, ditch, structure or right-of-way provides outfall to an established drainage channel, as approved by the Town. Sheet flow across lots is permitted with the approval of the Town.

(e) Construction plans shall show pre and post-development flow rates (Q1 and Q2), drainage area, culvert exit velocities, runoff coefficient © for all culverts, and storm drains.

(f) Detention ponds may be required by the Town.

Section 5. Required Improvements: Bond

Prior to the approval of the final plat the subdivider shall have installed or constructed the required improvements or posted bond as provided for in the Article.

(a) Bond and Surety: Amount and Release: In the event the Town of Margaret may consider that the requirements set out in Article V need not immediately be met by the subdivider, the requirements may be modified by the execution of an agreement with the subdivider that a such improvements shall be installed and constructed within a reasonable and specified length of time. Bond approved by Town shall be required to insure the fulfillment of such agreement and shall be: 1.in cash; 2.by certified's check'or cashiers'check or 3.made by a surety company authorized to do business in the State of Alabama. Other methods of securing bond will be considered and must be approved by the Mayor's office.

(b) Such bond shall not be less than one hundred fifteen percent (115%) of the estimated cost of the improvements. The surety shall not be released from said bond except by a release in writing from the Mayor's Office.

Section 6. Maintenance Bond

(a) A one year maintenance agreement for all improvements installed in right-of-ways and sewer or drainage easements will be required of the subdivider upon

final acceptance of improvements by Margaret under Section 5 (b) above. Bond will also be required when Town may have reasonable doubt concerning the stability or proper construction of any improvement included within the above limits. Amount of bond will be determined by Mayor and bond will be as approved by Mayor under Section 5 (a) above.

Section 7 –Modifications, Variances and Waivers

It if be determined that strict compliance with these regulations would result in extraordinary hardship to the subdivider due to unusual topography or conditions beyond the control of the subdivider, then the Town of Margaret, may modify, vary, waive such improvements provided that such modification, variance, or waiver will not tend to injure or place the public health, safety or welfare in jeopardy, nor nullify the stated or implied intent or purpose of those regulations, and provided further that such modification, variance or waiver and the reason therefore shall be entered upon the minutes of the Town Council.

Section 8 - Conditions of, and Applications for Variances

(a) In granting modifications, variances or waivers, the Mayor's Office may attach such other reasonable conditions as will, in its judgment, justify such modifications, variances or waivers and still maintain substantially the objectives or these regulations.

(b) Each and every modification, variance, or waiver of these regulations sought by a subdivider shall be specially applied for, in the numerical order of these regulations, in writing by the subdivider and submitted to the Mayor's Officer which shall forward a copy of said application to the Mayor's Office immediately following the passage of the tenth (10th) day prior to a regular scheduled Town Council meeting. Any condition shown on the preliminary or final plat (or on engineering plans) which would require a modification, variance, or waiver, shall constitute a ground for disapproval of the preliminary or final plat unless such special application for a modification, variance, or waiver is made.

Section 9 - Validity

Should any section of this Ordinance for any reason held void or invalid it shall not affect the validity of any other section provided hereof which is not in itself void or invalid.

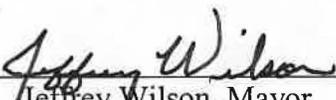
Section 10 - Failure to Comply

Any person, firm, corporation, who fails to comply with the provision of this Ordinances shall be summoned to appear before the Municipal Judge, as provided by Supreme Court Rule, and shall, upon conviction, be guilty of a misdemeanor and shall be fined a sum not to exceed FIVE HUNDRED (\$500.00) dollars.

Section 11. Effective Date

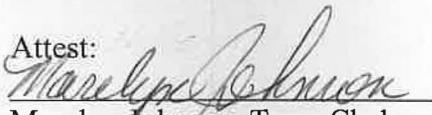
This Ordinance shall become effective upon passage, approval and publication as required by law.

Adopted and approved this the 19th day of March 2007.



Jeffrey Wilson, Mayor

Attest:



Marelyn Johnson, Town Clerk

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #07-320 was adopted by the Mayor and Town Council on March 20, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on March 21, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

NOTE: For hydraulic designed systems, multiply the above fee schedule by two (2).

B. COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL

1. Where the contract cost of such construction is \$100,000.00 or less in value, the permit shall be \$325.00 base per structure plus \$6.50 per \$1,000.00 or fraction thereof.

Where the contract cost of such construction is over \$100,000.00 in value, the permit shall be \$325.00 base per structure plus \$6.50 per \$1,000.00 for the first \$1,000.00 and \$6.00 per \$1,000.00 or fraction thereof in excess of \$100,000.00.

For repairs, alterations, and renovations, the cost shall be \$6.50 per \$1,000.00 for the first \$100,000.00 and \$6.00 per \$1,000.00 of fraction thereof in excess of \$100,000.00.

2. COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL.

Where work involves multi-story construction over two stories, the permit shall be \$825.00 base per structure plus \$7.75 per \$1,000.00 or fraction thereof.

For repairs, alterations and renovations, the cost shall be \$6.50 per \$1,000.00 for the first \$100,000.00 and \$6.00 per \$1,000.00 or fraction thereof in excess of \$100,000.00.

C. DEMOLITION PERMIT:

Proof of compliance with the St. Clair County Health Department regulations for proper abandonment of any septic tank shall be required, when applicable, or sanitary sewers capped, and all **utility services shall be disconnected prior to commencement of demolition.** The fee for a Demolition Permit shall be \$50.00

D. MANUFACTURED HOME & CONSTRUCTION TRAILERS

There shall be a fee of \$125.00 for mobile homes, house trailers or construction trailers moved into a mobile home park, onto private property or onto a construction site.

H. PLUMBING PERMIT:

The fee for a plumbing permit is \$75.00. Per residence includes 1 toilet group, 1 kitchen and 1 laundry group. For each additional group or a water closet, the fee shall be \$25.00.

For mobile homes there shall be a flat plumbing permit fee of \$25.00.

I. GAS PERMIT:

Per structure \$25.00

J. SEPTIC TANK INSTALLATION AND REPAIR:

For each septic tank installation, repair, replacement, or field line repair or replacement, the fee shall be \$25.00.

K. HEATING, AIR CONDITIONING AND REFRIGERATION

Minimum Fee: \$25.00
\$10.00 per ton and \$5.00 per ½ ton for the first 10 tons
\$ 5.00 per ton and \$2.50 per ½ ton after the first 10 tons

If there is no air conditioner to be installed but there is a furnace, the minimum fee shall be \$25.00 for the first 50,000 BTU and \$10.00 for each additional 25,000 BTU.

For mobile homes there shall be one flat fee of \$25.00 for a heating, air conditioning and refrigeration.

L. INSPECTION FEES:

No charge shall be assessed on the first request for required inspections.

Unnecessary calls where work is not ready for inspection when the inspector arrives shall be assessed at \$25.00.

Additional fees:

The minimum permit fee for any job shall be \$20.00 unless stated otherwise in this Ordinance.

First Re-inspection Fee	\$20.00
Each additional Re-inspection fee	\$50.00

NOTE: All inspection fees must be paid before the final inspection will be performed.

M. STREET, CURB OR SIDEWALK CUTTING PERMIT:

A fee of \$100.00 shall be charged for each street, curb, or sidewalk cutting permit issued. Each person filing application for a permit to cut a street in the Town shall, before a permit is issued, furnish to the Town a certificate of current insurance and some other form of security in a minimum amount of \$2,500.00 applicable to the proposed work in the Town. All street cutting shall comply with specifications furnished by the Town.

N. SWIMMING POOLS:

See A.2.

O. ISSUANCE FEE

There shall be a \$5.00 issuance fee on all Permits

VII. ENFORCEMENT:

Violation of this ordinance shall be punishable by fines not to exceed \$500.00 and imprisonment or hard labor not to exceed six months. Said penalties shall be in addition to any and all other actions, remedies, or means of enforcing compliance with municipal ordinances provided by law.

VIII. SEVERABILITY:

If any part, section, or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect, notwithstanding such holding.

IX: EFFECTIVE DATE:

This ordinance shall become effective upon its adoption, approval, and publication as provided by law. Fees established herein shall be collected beginning _____, 2007.

Where the contract cost of such construction is \$100,000.00 or less, the permit shall be \$325.00 base per residential unit plus \$5.50 per \$1,000 or fraction thereof.

Where the contract cost of such construction is over \$100,000.00 in value, the permit shall be \$325.00 base per residential unit plus \$5.50 per \$1,000.00 for the first \$100,000.00 and \$5.00 per \$1,000.00 or fraction thereof in excess of \$100,000.00.

For repairs, alterations and renovations, the cost shall be \$5.50 per \$1,000.00 for the first \$100,000.00 and \$5.00 per \$1,000.00 of fraction thereof in excess of \$100,000.00.

3. PLAN REVIEW FEES:

When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted, a plan review fee shall be paid to the Town, through the office of the Building Official, at the time of issuance of the building permit. Said plan review fees shall be equal to one-half (1/2) of the building permit fee.

4. TOWN STORM WATER DISCHARGE PERMIT FEES:

Each application for the issuance of a Town Storm Water Discharge Permit for a new industrial or commercial facility, or for land disturbance and construction activities for parcels of property less than one (1.0) acre, shall be accompanied by a non-refundable fee of \$100.00, plus \$15.00 per acre.

5. SPRINKLER SYSTEM PERMIT FEES:

Each application for the issuance of a permit to install a sprinkler system shall be based upon each system design. Fees shall be charged according to the number of sprinkler heads to be installed as follows:

1 - 100 Sprinkler heads	\$275.00
101 - 200 Sprinkler heads	\$325.00
201 - 300 Sprinkler heads	\$350.00
301 - 400 Sprinkler heads	\$375.00
401 - 500 Sprinkler heads	\$425.00
Over 500 Sprinkler heads	\$500.00 plus \$.33 per head.

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Resolution #07-619 was adopted by the Mayor and Town Council on AUGUST 23, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on August 23, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

E. MOVING OF BUILDING OR STRUCTURE (EXCLUDING MOBILE HOMES):

Must have certificate of appropriateness from Historical Commission prior to application to move building or structure in the Historic District. The fee is \$100.00.

F. BLASTING PERMIT:

A fee of \$25.00 shall be charged for each blasting permit issued. Each person filing application for a blasting permit shall, before such permit is issued, furnish the Town a certificate of current insurance coverage which must be in the following amounts:

Bodily injury - \$1,000,000.00 minimum for each accident.

Property damage (aggregate) - \$1,000,000.00 applicable to the proposed work in the Town.

G. ELECTRICAL PERMIT:

Temporary Service or Miscellaneous Electrical Service:

Up to 100 amps \$25.00

\$.50 per amp of the service over 100 amps.

Mobile Homes (200 amp service, required minimum)

\$.50 per amp of the service.

Residential - New Construction (200 amp service, required minimum)

\$.50 per amp of the service.

Residential - Additions, Alterations, or Repairs:

\$25.00 plus \$1.00 per fixture or outlet.

Commercial - New Construction

\$.50 per amp of the service.

Commercial - Additions, Alterations or Repairs:

\$50.00 plus \$2.00 per fixture or outlet.

Motors, Generators, Welders, Capacitors, Transformers, or Heaters:

First piece of equipment \$25.00

Each additional piece of equipment \$ 5.00

ADOPTED AND APPROVED the 21st day of August
2007

TOWN OF MARGARET


Jeffrey Wilson, Mayor

ATTEST:


Marelyn Johnson, Town Clerk

ORDINANCE NO. 07-619-A

AN ORDINANCE TO AMEND ORDINANCE NO. 07-619
RELATING TO GENERAL CONTRACTORS AND SUBCONTRACTORS

BE IT ORDAINED by the City Council of the City of Margaret, Alabama
that Ordinance #07-619 is hereby amended as follows:

1. **Additional requirements:**

- A. Pursuant to act 2000-99 of the Alabama Legislature and local ordinance General Contractors (Builders) shall submit to the City of Margaret, Building Department a list of all subcontractors involved in the construction project, along with their correct address and phone numbers within fifteen (15) days of the issuance of a building permit. Should the builder add additional subcontractors to the project or substitute a subcontractor other than the originally named, the builder shall submit the subcontractor's name, address, and phone numbers to the City of Margaret within (3) days of hiring. At this point the City of Margaret inspector may place a stop work order on the construction project until said list is completed. The builder then will come in before a final inspection is requested and certify that the subcontractor's original list or amended list is true and correct before a Certificate of Occupancy may be obtained.

ADOPTED AND APPROVED THIS THE 23rd DAY OF
February, 2012

James Chapman
Councilmember Chapman

Darryl D. McIntyre
Councilmember McIntyre

Steph Perry
Councilmember Perry

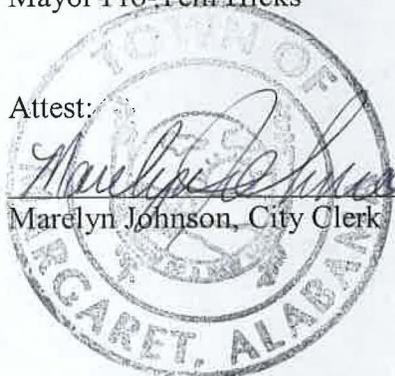
Bonnie Voss
Councilmember Voss

Charles Hicks
Mayor Pro-Tem Hicks

Jeffrey Wilson
Mayor Wilson

Attest:

Marilyn Johnson
Marilyn Johnson, City Clerk



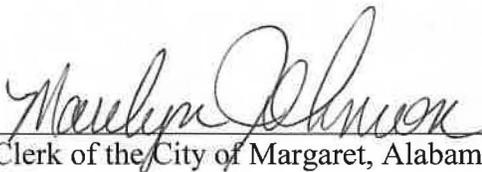
State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #07-619A set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on February 29, 2012 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Flashtrack

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 29th day of February, 2012.


Clerk of the City of Margaret, Alabama

THE TOWN OF MARGARET, ALABAMA

Ordinance No. 07-807

AN ORDINANCE PROVIDING FOR THE IMPOUNDMENT
OF MOTOR VEHICLES WHERE DRIVER DOES NOT HAVE
CURRENT, VALID DRIVER'S LICENSE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
MARGARET, ALBAMA, AS FOLLOWS:

Section 1.

(A) Notwithstanding any other provisions of law, and except as otherwise provided in this section, a motor vehicle is subject to being impounded as a nuisance and/or for caretaking if it is driven on a highway or other public roadway in the Town of Margaret by a person license or driving privilege.

1. is revoked for any reason;
2. is currently suspended as a consequence of a driving while under the influence of alcohol, controlled substances, etc...("DUI) related offense, which includes but is not limited to being adjudicated delinquent or a youthful offender based on a DUI related offense or failure to comply with the implied consent law;
3. is suspended for failure to comply with the Motor Vehicle Safety Responsibility Act;
4. is suspended or cancelled under Sec. 32-5A-195, Code of Alabama;
5. Who has been disqualified from driving a commercial motor vehicle and such person is driving a commercial vehicle;
6. Does not have a current, valid driver's license and is not then exempt from having such license; or
7. Is driving a commercial motor vehicle and does not then hold a valid, current commercial motor vehicle license and is not then exempt from having such license.

- (B)
1. If a driver is unable to produce a valid driver's license on the demand of the police officer or other law enforcement officer, the vehicle may be impounded regardless of ownership, unless the officer is reasonable able, by other means, to verify that the driver is properly licensed. Prior to impounding the vehicle, such officer shall make a reasonable attempt to verify the license status of a driver who claims to be properly licensed but who is unable to produce the license on demand of the officer. A notation of the officer's attempt to verify that the driver is properly licensed shall be noted on the incident report.
 2. A police officer or other law enforcement officer shall not impound a vehicle pursuant to the Ordinance if the license of the driver expired within the preceding ninety (90) days and the driver would otherwise have been properly licensed.
 3. If the owner of the vehicle or another family member of the owner is present in the vehicle, such person has a valid license, and such person is not under the influence of alcohol and/or drugs or for any other reason is unable to legally operate the vehicle, and said person agrees to take possession of the vehicle, then the vehicle shall not be impounded and towed.
 4. If the driver is the owner of the vehicle, the police officer or other law enforcement officer may elect to release the vehicle to a licensed driver present in the vehicle upon the consent of the owner.
 5. If there is a medical necessity jeopardizing life or limb the law enforcement officer may elect not to impound the vehicle.
 6. If the vehicle is impounded, a pull-in-report shall be made with a full inventory of items in the vehicle.
 7. If the vehicle is impounded, the impounding officer shall advise the driver and occupants of the vehicle that the driver and occupants may be transported by the impounding officer or other officer at the scene to their residence or any open public facility, whichever is closer, unless they choose instead to:
 - (a) make arrangements to have someone come to the scene within thirty (30) minutes to pick them up; or
 - (b) be left at the scene upon their specific request to do so, however, minors or physically or mentally handicapped persons, unless in the custody of a parent or guardian, shall not be left at the scene.

8. The impounding officer shall make a notation on the incident report as to the disposition of the driver and/or occupants. If the driver and/or occupants were left at the scene, the persons requesting to be left shall be asked to sign the report.
 9. If the police or other law enforcement officer determines that the driver is engaged at that time in Interstate travel, the officer may elect not to impound the vehicle.
- (C) A vehicle impounded pursuant to the Ordinance shall be released if:
1. The registered owner or his/her representative with written notarized authorization from the registered owner appears at the Margaret Police Department and presents a valid drivers license, a copy of the title, tag receipt or notarized Bill of Sale, proof of insurance and a copy of the written authorization if applicable. The aforementioned documents are to be copied by the police department and said copies included with the pull-in report.
 2. If the registered owner does not have a valid driver's license he/she may bring someone with them whom has a verified valid license and the vehicle may be released without written notarized permission. The owner must present the vehicle title, tag receipt or notarized Bill of Sale to the Police Department. The person must pay a \$50.00 fee for the Town to release the vehicle. These funds shall be used for the police department equipment.
- (D) Any vehicle impounded that is not redeemed pursuant to this ordinance within forty-five (45) days may be sold by the town according to State Law.
- (E) A registered or legal owner of the impounded vehicle may request a post impound hearing to contest the validity of the impoundment by filing a written notice with the office of the Chief of Police within ten (ten) days of the impound. The post impound hearing shall be held within three (3) days of receipt of such request by the Chief of Police or his designee.

Section 2.

The provisions of this Ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional that declaration shall not affect the part which remains.

Section 3.

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

Adopted and Approved this the 21st day of August 2007.

THE TOWN OF MARGARET, ALABAMA

Jeffrey Wilson
Jeffrey Wilson, Mayor

ATTEST:

Marilyn Johnson
TOWN CLERK

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Resolution #07-807 was adopted by the Mayor and Town Council on AUGUST 22, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on August 22, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

ORDINANCE NO. 07-821

THE TOWN OF MARGARET

AN ORDINANCE PROVIDING FOR ELECTRICAL STANDARDS

BE IT ORDINANED BY THE TOWN COUNCIL OF THE TOWN OF MARGARET,
ALABAMA, AS FOLLOWS;

Section 1. Residential Kitchens:

All circuits shall be a 20 AMP circuit, except for lighting circuit, garbage disposal and range.

A. All kitchens shall have at least two counter top circuits with no more than four receptacles per circuit, each being a 20-amp circuit.

B. Refrigerator equipment shall have a separate 20-amp circuit.

C. Dishwasher shall have a separate 20-amp circuit.

D. Microwave shall have a separate 20-amp circuit.

E. Nooks or eating areas may branch off from kitchen counter top receptacles as long as they do not exceed four receptacles in a circuit.

F. Dining rooms must have a separate 20-amp circuit

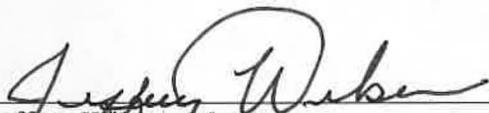
Section 2. Validity:

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason shall not be constructed to invalidate or impair the remainder of the ordinance, which shall continue in full force and effect nor withstanding such.

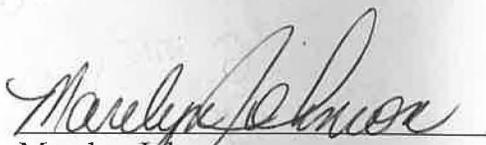
Section 3 Effective Date:

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

ADOPTED AND APPROVED THIS THE 21st DAY OF August 2007


Jeffrey Wilson, Mayor

Attest:


Marelyn Johnson
Town Clerk

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #07-821 was adopted by the Mayor and Town Council on AUGUST 21, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on August 22, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

AMENDMENT TO ORDINANCE 07-821

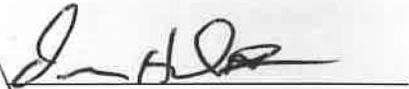
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARGARET,
ALABAMA, AS FOLLOWS:

Section G. This ordinance to include service disconnect at hot water heater & AC
air handler located out of the site of breaker panel.

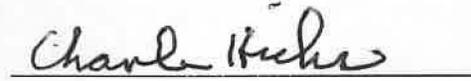
Section H. All light fixtures in attic and crawl space to have protective cover
over bulbs.

Section I. A smoke detector to be located in laundry room

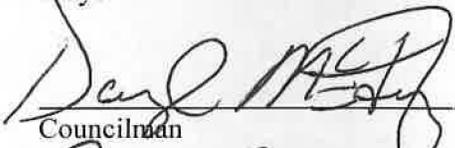
ADOPTED AND APPROVED THIS THE 18TH DAY OF JUNE, 2014.



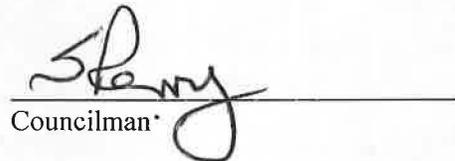
Mayor



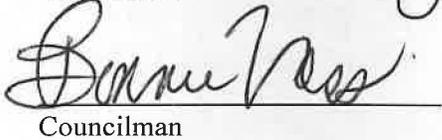
Mayor Pro-tem



Councilman



Councilman



Councilman

Councilman

Attest:


Teja McIntyre
City Clerk

ORDINACE #07-918

AN ORDINANCE ESTABLISHING ROAD AND RIGHT-OF-WAY SPECIFICATIONS

WHEREAS: The Mayor and Town Council of the Town of Margaret adopt certain road and right of way specifications.

BE IT THEREFORE ORDIANED by the Town Council of the Town of Margaret Alabama as follows: The Margaret Town Council of the Town of Margaret, Alabama hereby adopts the following road and right of way specifications for all and roads subdivision development in the Town of Margaret more particularly as follows:

Section 1. Road and Right of Way will be constructed to county road specifications, as is place on January 27, 2003 with the following exceptions

- (A) Base material shall be six (6") inches chert or six (6") inches dense grade base
- (B) Cul-De-Sac will be designed to have not less than eighty (80') feet diameter right of way and eighty (80') feet of paving.
- (C) All drainage pipe sizes must be approved by the Town of Margaret Building Inspector. Any bridges constructed or placed shall be approved and stamped by a licensed and insured Alabama engineer.
- (D) The grade of the road shall not exceed fifteen (15%) percent. All intersections grade cannot exceed six (6%) percent within fifty (50') feet of any intersection.
- (E) All degrees of curvature will be applicable for a minimum design speed of twenty-five (25) miles per hour.
- (F) Town building inspector will be notified before placement of base course. Proof rolling with loaded truck will be required on sub grade and base course.
- (G) Roadway width shall be twenty-eight (28') feet from shoulder to shoulder for all roads.

- (H) Roadways shall be twenty (20') feet wide paving, two (2") inches asphalt binder, one (1") inch of seal and valley gutters shall be thirty (30") inches in width.

Section 2. Unless otherwise approved by the Town of Margaret speed limits shall be 25 mph within subdivisions.

Section 3. No Street shall shed surface runoff water onto any lot.

Section 4. Modifications, Variances and Waivers
It if be determined that strict compliance with these regulations would result in extraordinary hardship to the sub divider due to unusual topography or conditions beyond the control of the sub divider, then the Town of Margaret, may modify, vary, waive such improvements provided that such modification, variance, or waiver will not tend to injure or place the public health, safety or welfare in jeopardy, nor nullify the stated or implied intent or purpose of those regulations, and provided further that such modification, variance or waiver and the reason therefore shall be entered upon the minutes of the Town Council.

Section 5. Conditions of and Applications for Variances
(a) In granting modifications, variances or waivers, the Mayor's Office may attach such other reasonable conditions as will, in its judgment, justify such modifications, variances or waivers and still maintain substantially the objectives or these regulations.

(b) Each and every modification, variance, or waiver of these regulations sought by a sub divider shall be specially applied for, in the numerical order of these regulations, in writing by the sub divider and submitted to the Mayor's Officer which shall forward a copy of said application to the Mayor's Office immediately following the passage of the tenth (10th) day prior to a regular scheduled Town Council meeting. Any condition shown on the preliminary or final plat (or on engineering plans) which would require a modification, variance, or waiver, shall constitute a ground for disapproval of the preliminary or final plat unless such special application for a modification, variance, or waiver is made.

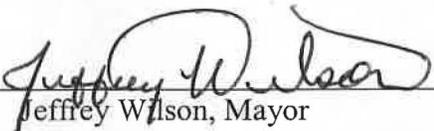
Section 6. All other improvements to said property shall be in accordance with St. Clair County, Alabama standards as of January 27, 2007.

Section 7. Validity
Should any section of this Ordinance for any reason held void invalid it shall not affect the validity of any other section provided hereof which is not in itself void or invalid

Section 8. Failure to Comply
Any person, firm, corporation, who fails to comply with the provision of this Ordinances shall be summoned to appear before the Municipal Judge, as provided by Supreme Court Rule, and shall, upon conviction, be guilty of a misdemeanor and shall be fined a sum not to exceed FIVE HUNDRED (\$500.00) dollars

Section 9. Effective Date
This Ordinance shall become effective upon passage, approval and publication as required by law.

Adopted and approved this 2nd day of October 2007.



Jeffrey Wilson, Mayor

Attest:



Marelyn Johnson, Town Clerk

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #07-918 was adopted by the Mayor and Town Council on OCTOBER 2, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on October 3, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

Ordinance M2007-09-10C
Business License Code of the
TOWN OF MARGARET-MARGARET, AL
FOR THE YEAR 2007-08 AND EACH SUBSEQUENT YEAR

SCHEDULE OF LICENSE AND FEES

BE IT ORDAINED BY THE TOWN COUNCIL OF MARGARET, ALABAMA
As follows:

SECTION 1	Levy of Tax	Page 2
SECTION 2	Definition of Terms	Page 2
SECTION 3	License Term: Minimum License	Page 5
SECTION 4	License shall be Location Specific	Page 6
SECTION 5	License Transfer Restrictions	Page 7
SECTION 6	Unlawful to do Business Without License	Page 8
SECTION 7	License Must Be Posted	Page 8
SECTION 8	Duty to File Report	Page 8
SECTION 9	Duty to Permit Records Inspection	Page 10
SECTION 10	Unlawful To Obstruct Municipal Designee	Page 11
SECTION 11	Privacy of Information	Page 11
SECTION 12	Failure to File Assessment	Page 12
SECTION 13	Lien For Non-Payment of License Tax	Page 12
SECTION 14	Criminal Penalties	Page 12
SECTION 15	Civil Penalties	Page 13
SECTION 16	Penalties and Interest	Page 13
SECTION 17	Prosecution Unaffected	Page 13
SECTION 18	Procedure For Denial of New Applications	Page 14
SECTION 19	Procedure for Revocation/Suspension of License	Page 15
SECTION 20	Refunds On Overpayments	Page 16
SECTION 21	Delivery License	Page 17
SECTION 22	License Classification Codes	Page 18
SECTION 23	License Fee Schedules	Page 21
SECTION 24	Exchange Of Information	Page 25
SECTION 25	Effective Date	Page 26
SECTION 26	Severability	Page 26
SECTION 27	Junkyard/Salvage Yard	Page 27
SECTION 28	Repealer	Page 28

Section 1. Levy of Tax

Pursuant to the *Code of Alabama*, the following is hereby declared to be and is adopted as the business license code and schedule of licenses for the municipality for the year beginning January 1, 2008, and for each subsequent year thereafter. There is hereby levied and assessed a business license fee for privilege of doing any kind of business, trade, profession or other activity in the municipality, or the police jurisdiction, by whatever name called.

Section 2. Definitions

Unless the context clearly requires otherwise, the following terms shall have the following meaning as set forth below:

[1] Business. Any commercial or industrial activity or any enterprise, trade, profession, occupation, or livelihood, including the lease or rental of residential or nonresidential real estate, whether or not carried on for gain or profit, and whether or not engaged in as a principal or as an independent contractor, which is engaged in, or caused to be engaged in, within a municipality.

[2] Business License. An annual license issued by the municipality for the privilege of doing any kind of business, trade, profession, or any other activity in the municipality, by whatever name called, which document is required to be conspicuously posted or displayed except to the extent the taxpayer's business license tax or other financial information listed thereon.

[3] Business License Remittance Form. Any business license return, renewal reminder notice, or other writing on which the taxpayer calculates the business license tax liability for all or part of the license year and remits the amount so calculated with the form.

[4] Department of Department of Revenue. The Alabama Department of Revenue, as created under Section 40-2-1 et seq.

[5] Designee. An agent or employee of the municipality authorized to administer or collect, or both the municipality's business license taxes, which may include another taxing jurisdiction, the Department of Revenue, or a "private auditing or collecting firm" as defined in Section 40-2A-3 of the *Code of Alabama*.

[6] Gross Receipts. The measure of any and all receipts of a business from whatever source derived, to the maximum extent permitted by applicable laws and constitutional provisions, to be used in calculating the amount due for a business license. Provide, however, that:

- (a) Gross receipts shall not include any of the following taxes collected by the business on behalf of any taxing jurisdiction or federal government; All taxes which are imposed on the ultimate consumer, collected by the taxpayer and remitted by or on behalf of the taxpayers to the taxing authority, whether state, local, or federal including utility gross receipts levied pursuant to Article 3, Chapter 21, Title 40; license taxes levied pursuant to Article 2, Chapter 21, Title 40; or reimbursements to professional employer organizations of federal, state, or local payroll taxes or unemployment insurance contributions; but no other deductions or exclusions from gross receipts shall be allowed except as provided in this article.
- (b) A different basis for calculating the business license may be used by the municipality with respect to certain categories of taxpayers as prescribed in Section 11-51-90B.
- (c) For a utility or other entity described in Section 11-51-129, gross receipts shall be limited to the gross receipts derived from the retail furnishing of utility services within the municipality during the preceding year that are taxed under Article 3 of Chapter 21 of Title 40, except that nothing herein shall affect any existing contract or agreement between municipality and a utility or other entity. The gross receipts derived from the furnishing of utility services shall not be subject to further business license taxation by the municipality.
- (d) Gross receipts shall not include dividends or other distributions received by a corporation, or proceeds from borrowing, the sale of a capital asset, the repayment of the principle portion of a loan, the issuance of the stock or other equity investments, or capital contributions, or the undistributed earnings of subsidiary entities.

[7] License Form. Any business license application form, renewal reminder notice, license remittance form, or business license return by whatever name called.

[8] License Officer or Municipal License Officer. The municipal employee charged by the municipality with the primary responsibility of administering the municipality's business license tax is ordinance and related matters thereto.

[9] License Year. The calendar year.

[10] Municipality. Any town or city in this state that levies a business license tax from time to time. The term shall also include the town's or city's police jurisdiction, where the business levied in the police jurisdiction.

[11] Person. Any individual, association, estate, trust, partnership, limited liability company, corporation, or other entity of any kind, except for any nonprofit corporation formed under the laws of Alabama which is operated to enable municipalities that become members of such nonprofit corporation to finance or refinance capital projects and related undertakings, on a cooperative basis, and whose board of directors or other governing body consists primarily of elected officials of the municipality.

[12] Taxing Jurisdiction. Any municipality that levies a business license tax, whether or not a business license tax is levied within its police jurisdiction, or Department of Revenue acting as agent on behalf of a municipality pursuant to Section 11-51-180 et seq., as the context requires.

[13] Taxpayer. Any person subject to or liable under this chapter for any business license tax; any person required to file a return with respect to, or pay or remit the business license tax levied under this chapter or to report any information or value to the taxing jurisdiction; or any person required to obtain, or who holds any interest in, any business license issued by the taxing jurisdiction; or any person that may be affected by any act or refusal to act by the taxing jurisdiction under this chapter, or to keep any required by this chapter.

[14] U.S.C. . The applicable title and section of the United States Code, as amended from time to time.

[15] Other Terms. Other capitalized or specialized terms used in this ordinance, and not defined above, shall have the same meaning ascribed to them in Section 40-2A-3, of the *Code of Alabama*, unless the context therein otherwise specifies.

Section 3. License Term; Minimums

The license term and the minimum amount for a business license are as follows:

- (a) *Full Year.* Every person who commences business before the first day of July shall be subject to and shall pay the annual license for such business in full. Unless otherwise specified in the enclosed schedules, the minimum annual license shall be \$50.00.
- (b) *Half Year.* Every person who commences business on or after July 1st, shall be subject to and shall pay one-half (1/2) the annual license for such business for that calendar year.
- (c) *Issue Fee.* For each license issued there shall be an issue fee collected of ten dollars (10.00) and said issue fee shall be collected in the same manner as the license tax.
- (d) *Annual Renewal.* Except as provided in subsections (i) or (ii), the business shall be renewed annually on or before the 31st day of January each year.
 - (i) If the due date for payment of any business license falls on a weekend or a holiday recognized by the municipality from time to time, the due date shall automatically be extended until the next business day.
 - (ii) Insurance company annual license renewals shall be renewed in accordance with Section 11-51-122 of the *Code of Alabama* which states that each year, each insurance company shall furnish the municipality a statement in writing duly certified showing the full and true amount of gross premiums received during the preceding year and shall accompany such statement with the amount of license tax due according to the licensing schedule. Failure to furnish such statement or to pay such sum shall subject the company and its agents to those penalties as prescribed for doing business without a license as provided for in the municipal code.

- (iii) On or before December 31 of each year, a renewal reminder shall be mailed to each licensee that purchased a business license during the current year. Said renewal notice shall be mailed via regular U.S. mail to the licensee's last known address changes for their business prior to December 1st in order for them to receive their notice.
- (iv) Business license renewal payments received by the municipality shall be applied to the current renewal only when any and other debts the licensee owes to the municipality are first paid in full. No business license shall be issued if the current renewal payment does not meet said prior obligations and the current renewal. Failure to pay such sums shall subject the licensee and its agents to those penalties as prescribed for doing business without a license provided for in the municipal code.

SECTION 4. License Shall Be Location Specific

- (a) For each place at which any business is carried on, a separate license shall be paid, and any person desiring to engage in any business for which a license is required shall designate the place at which business is carried on, and the license to be issued shall designate such place, and such license shall authorize the carrying on of such business only at the place designated.
- (b) Every person dealing in two or more of the articles, or engaging in two or more of the business, vocations, occupations or professions scheduled herein, shall take out and pay for a license for each line of business .
- (c) A taxpayer subject to the license authorized by this ordinance that is engaged in business in other municipalities, may account for its gross receipts attributable to its branch offices will not be subject to the business license imposed by this ordinance. To establish a bona fide branch office, the taxpayer must demonstrate proof of all following criteria:
 - (i) The taxpayer must demonstrate the continuing existence of an actual facility located outside the police jurisdiction in which its principal

business office is located, such as retail store, outlet, business office, showroom, or warehouse, to which employees and/or independent contractors are assigned or located during regular normal working hours.

- (ii) The taxpayer must maintain books and records, which reasonably indicate a segregation or allocation of the taxpayer's gross receipts to the particular facility of facilities.
 - (iii) The Taxpayer must provide proof that separate telephone listings, signs, and other indications of its separate activity are in existence.
 - (iv) Billing and/or collection activities relating to the business conducted at the branch office or offices are performed by an employee or other representative, of the taxpayer who has such responsibility for the branch office.
 - (v) All business claimed by a branch office or offices must be conducted by and through said office or offices.
 - (vi) The taxpayer must supply proof that all applicable business licenses with respect to the branch office or offices have been issued .
- (d) Nothing herein shall be construed as exempting businesses from payment of a license on the basis of a lack of physical location.

SECTION 5. Restriction On Transfer Of License

No license shall be transferred except with the consent of the council or other governing body of the municipality or of the director of finance or other chief revenue officer or his or her designee, and no license shall be transferred to reflect a physical change of address of the taxpayer within the municipality more than once during a license year and never from one taxpayer to another. Provided that a mere change in the name or ownership of a taxpayer that is corporation, partnership, limited liability company or other form of legal entity now or hereafter recognized by the laws of Alabama shall not constitute a transfer for purposes of this chapter,

unless (1) the change requires the taxpayer to obtain a new federal employer identification number of Department of Revenue taxpayer identification number or (2), in the direction of the municipality, the subject license is one for sale of alcoholic beverages. Nothing in this section shall prohibit a municipality from requiring a new business license application and approval for an alcoholic beverage license.

SECTION 6 . UNLAWFUL To Do Business Without A License

It shall be unlawful for any person, taxpayer, or agent of a person or taxpayer to engage in business or vocations in the municipality for which a license is required without first having procured a license. A violation of this division of the ordinance passed hereunder fixing a license shall be punishable by a fine not to exceed sum of five hundred (\$500) for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both , at the discretion of the court trying the same. Each day shall constitute a separate offense.

SECTION 7. License Must Be Posted

Every license shall be posted in a conspicuous place, where said business, trade or occupation is carried on, and the holder of the license shall immediately show same to the designee of the municipality upon being requested so to do.

SECTION 8 Duty To File Report

- (a) It shall be the duty of every person subject to such license tax to render to the municipality on such forms as may be required, a sworn statement showing the total business done, amount of sales, gross receipts and gross sales, stock, value of furniture and other equipment, capital invested, number of helpers or employees, amount of space occupied, or other factor described in the schedule, one or several, as the case may require, for the ascertainment of the classification of such person for license taxation purposes and the correct amount of license tax to which he is subject.
- (b) If the municipality determines that the amount of business license tax reported on or remitted with any business license remittance form is incorrect, if no business

license remittance form is filed within the time prescribed, or if the information provided on the form is insufficient to allow the taxing jurisdiction to determine the proper amount of business license tax due, the municipality shall calculate the correct amount of the tax based on the most accurate and complete information reasonable obtainable and enter a preliminary assessment of the correct amount of business license tax, including any applicable penalty and interest.

- (c) The municipality shall promptly mail a copy of any preliminary assessment to the taxpayer's last known address by either first class U.S. mail or certified U.S. mail with return receipt requested, or, in the sole discretion of the municipality deliver the preliminary assessment to the taxpayer by personal delivery.
- (d) If the amount of business license tax remitted by the taxpayer is undisputed by the Municipality, or if the taxpayer consents to the amount of any deficiency or preliminary assessment in writing, the municipality shall enter a final assessment for the amount of the tax due, plus any applicable penalty and interest.
 - a. (1) If a taxpayer disagrees with a preliminary assessment as entered by the taxing jurisdiction, the taxpayer shall file a petition for review with the municipal license officer within 30 days from the date of entry of the preliminary assessment setting out the specific objections to the preliminary assessment. If a petition for review is timely filed, the license officer of the municipality shall schedule a conference with the taxpayer for the purpose of allowing the taxpayer or its representatives of the municipality to present their respective positions, discuss any omission or errors, and to attempt to agree upon any changes or modifications to the assessment. The license officer shall issue findings of fact and law within 60 days following the conference, which shall promptly upon issuance be mailed or delivered to the taxpayer, consistent with the procedures set forth in subsection (d) above. (2) If the taxpayer disagrees with license officer's findings of fact and law, the taxpayer may appeal to the municipal governing body, by filing a notice of appeal with the municipal clerk within 30 days after the findings have been issued. The appeal shall be in writing and shall set forth in reasonable detail the grounds

on which the taxpayer disagrees with the license officer's finding of fact and law. (3) If a petition for review : A). is not timely filed, or B). is timely filed, and upon further review the license officer, or the administrative hearings officer or governing body of the municipality, as the case may be, determines that the preliminary assessment is due to be upheld in whole or in part, the taxing jurisdiction shall make the assessment final in the amount of business license tax due as computed by the taxing jurisdiction, with applicable penalty and interest. (4) A copy of the final assessment shall promptly be mailed to the taxpayer's last known address(i) by either first class U.S. mail or certified U.S. mail with return receipt requested in the case of assessments of business license tax of five hundred dollars (\$500.00) or less, or (ii) by certified U.S. mail with return receipt requested in the case of assessment of business license tax of more than five hundred (\$500.00). In either case, at the option of the taxing jurisdiction a copy of the final assessment may be delivered to the taxpayer by personal delivery.

SECTION 9. Duty To Permit Inspection And Produce Records

Upon demand by the designee of the municipality, it shall be the duty of all licensees to:

- (a) Permit the designee of the municipality to enter the business and to inspect all portions of his place of business for the purposes of enabling said municipal designee to gain such information as may be necessary or convenient for determining the proper license classification, and determining the correct amount of license tax.
- (b) To furnish information during reasonable business hours, at the licensee's place of business, in the municipality or the police jurisdiction, all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sales receipts, inventory and other information from which the correct license tax classification of such person may be ascertained and the correct amount of license tax to which he is subject may be determined, including exhibition of bank deposit books, bank statements, copies of sales tax returns to the State of Alabama, copies of Alabama income tax returns and federal income tax returns.

SECTION 10. Unlawful To Obstruct

It shall be unlawful for any person, or for any agent, servant or employee of such person, to fail or refuse to perform any duty imposed by this ordinance; nor shall any person, agent, servant or employee of such person obstruct or interfere with the designee of the municipality in carrying out the purposes of this ordinance.

SECTION 11. Privacy

- (a) It shall be unlawful for any person connected with the administration of this ordinance to divulge any information obtained by him/her in the course of inspection and examination of the books, papers, reports and memoranda of the taxpayer made pursuant to the provisions of this ordinance, except to the mayor, the municipal attorney or others authorized by law to receive such information described herein.
- (b) It shall be unlawful for any person to print, publish, or divulge, without the written permission or approval of the taxpayer, the license form of any taxpayer or any part of the license form, or any information secured in arriving at the amount of tax or value reported, for any purpose other than the proper administration of any matter administered by the taxing jurisdiction, or upon order of any court, or as otherwise allowed in this ordinance.
- (c) Nothing herein shall prohibit the disclosure of the fact that a taxpayer has or has not purchased a business license. Statistical information pertaining to taxes may be disclosed to the municipality council upon their written request through the mayor's office. It shall be unlawful for any person to violate the provisions of this section.

SECTION 12. Failure To File Assessment

- (a) In any case where a person subject to paying a license tax as provided herein fails to do so, the municipal designee shall be authorized to assess and determine the amount of license taxes due using the best information available either by return filed or by other means.

- (b) The taxpayer shall be notified by registered or certified mail, or by personal service, of the amount any such assessment, and of his right to appear before the municipal governing body on a day named not less than twenty(20) days from the date of notice and to show cause why such assessment shall not be made final. Such appearance may be made by agent or attorney.

- (c) If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgment of the municipality, such assessment shall be made final in the amount originally fixed, or in such other amount is determined by the municipality to be correct. If upon such hearings the municipal designee finds a different amount due than that originally assessed, he/she shall make the assessment final in correct amount, and in all cases shall notify the taxpayer of the assessment as finally fixed.

- (d) A notice by the United States mail, addressed to the taxpayer's last known place of business shall be sufficient. Any assessment made by the designee of the municipality shall be prima facie correct upon any appeal.

SECTION 13. Lien For Non-Payment Of License Tax

On all property, both real and personal, used in the business, the municipality shall have a lien for such license, which lien shall attach as of the date when the license is due, as allowed by *Code of Alabama*, Section 11-51-96(1975).

SECTION 14. CRIMINAL PENALTIES

Any person found guilty of violating any of the provisions of this ordinance shall be fined in an amount not less than fifty dollars(\$50.00) and not more than five hundred dollars (\$500.00), and may also be sentenced to imprisonment for a period of not exceeding six (6) months. In the discretion of the court trying the case, and violations on separate days shall each constitute a separate offense.

SECTION 15. Civil Penalties

In addition to the remedies provided by *Code of Alabama*, Section 11-51-150 (1975) et seq., the continued or recurrent performance of any act or acts within the corporate limits or within its police jurisdiction for which a license may be revoked or suspended under this ordinance is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The municipality, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same.

SECTION 16. Penalties And Interest

- (a) All licenses not paid within thirty (30) days from the date they fall due shall be increased by fifteen (15) percent for the first thirty (30) days they shall be delinquent, or fraction thereof, and shall be measured by an additional fifteen (15) percent for a delinquency of sixty (60) or more days, but this provision shall not be deemed to authorize the delay of thirty (30) days in the payment of the license due, which may be enforced at once.
- (b) In case of persons who began business on or after the first day of the calendar year, the license for such "new business" shall be increased by fifteen (15) percent for the first fifteen (15) days they shall be delinquent, and shall be measured by an additional fifteen (15) percent for a delinquency of forty-five (45) days or more.
- (c) All delinquent accounts (both license taxes and penalties) shall also be charged simple interest at the rate of one (1) percent per month.

SECTION 17. Prosecution Unaffected

The adoption of this ordinance shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this article shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture be in any manner affected by the adoption of this ordinance; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this ordinance be affected in any manner by its adoption.

SECTION 18. Procedure For Denial Of New Application

- (a) The municipal designee shall have the authority to investigate all applications and may refer any application to the municipal governing body for a determination of whether such license should of should not be issued.
- (b) If the municipal governing body denies the issuance of any license referred to it, the municipal clerk shall promptly notify the applicant of the municipal governing body's decision.
- (c) If said applicant desires to appear before the municipal governing body to show cause why said license should be issued, he shall file written notice with the municipal clerk, said notice to be filed within two (2) weeks from date of mailing by the municipal clerk of the notice of the denial of such license by the municipal governing body.
- (d) Upon receipt of said notice the municipal clerk shall promptly schedule a hearing, to be held within fifteen (15) days from the date of receipt of such notice, before the municipal governing body and shall give the notice of the date, time and place of said hearing to the applicant.
- (e) The applicant shall be given the opportunity to appear personally, or through his counsel, or both, and the municipal governing body shall proceed to hear any evidence which may be presented both for and against the issuance of said license.
- (f) If the municipal governing body determines from the evidence presented that in order to either provide safety, preserve the health, promote the prosperity, or improve the morals, order, comfort and convenience of the inhabitants of the municipality said license should not be granted, it shall enter an order to that effect; otherwise, said license shall be ordered issued upon payment of any required license fees.

SECTION 19 Procedure For Revocation Or Suspension Of License

- (a) Any lawful license issued to any person to conduct any business shall be subject to revocation by the municipal governing body for the violation by the licensee, his agent, servant, or employee of any provision of this ordinance or of any ordinance of the municipality, or any statute of the State of Alabama relating to the business for which such license is issued; and shall also be subject to revocation by the municipal governing body if the licensee, his agent, servant, or employee under color of such license violates or aids or abets in violating or knowingly permits or suffers to be violated any penal ordinance of the municipality or any criminal law of the State of Alabama; and shall also be subject to revocation by the municipal governing body if, in connection with the issuance or renewal of any license, the licensee or his agent filed or caused to be filed any application, affidavit, statement, certificate, book, or any other data containing any false, deceptive or other misleading information or omission of material fact.
- (b) The conditions hereinabove set forth as grounds for the revocation of a license shall also constitute grounds for refusing to renew a license.
- (c) The municipal governing body shall set a time for a hearing on the matter of revoking or refusing to renew a license; and a notice of such hearing shall be given to the licensee, or the applicant for renewal, as the case may be, at least ten (10) days before the day set for said hearing. At the hearing the municipal governing body shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal of renewal, as the case may be.

SECTION 20. Refunds On Overpayments

- (a) Any taxpayer may file a petition for refund with the municipality for any overpayment of business license tax erroneously paid to the municipality. If a final assessment for the tax has been entered by the municipality, a petition for refund of all of the tax may be filed only if the final assessment has been paid in full prior to or simultaneously with the filing of the petition for refund.
- (b) A petition for refund shall be filed with the municipality within two years from the date of payment of the business license tax, which is the subject of the petition.
- (c) The municipality shall either grant or deny a petition for refund within six months from the date the petition is filed, unless the period is extended by written agreement of the taxpayer and the municipality. The taxpayer shall be notified of the municipality's decision concerning the petition for refund by first class U.S. mail or by certified U.S. mail, return receipt requested, sent to the taxpayer's last known address. If the municipality fails to grant a full refund within the time provided herein, the refund petition shall be deemed to be denied.
- (d) If the petition is granted or the municipality or a court otherwise determines that a refund is due, the overpayment shall be promptly refunded to the taxpayer by the municipality, together with interest to the extent provided for in *Section 11-51-92*. If the municipality determines that a refund is due, the amount of overpayment plus any interest due thereon may first be credited by the municipality against any outstanding tax liabilities due and owing by the taxpayer to the municipality, and the balance of any overpayment shall be promptly refunded to the taxpayer. If any refund or part thereof is credited to any other tax by the municipality, the taxpayer shall be provided credited for payment to other taxes, and the resulting amount of the refund.
- (e) A taxpayer may appeal from the denial in whole or in part of a petition for refund by filing a notice of appeal with the clerk of the circuit court of the county in which the municipality denying the petition for refund is located. Said notice of appeal must be filed within two years from the date the petition was denied. The circuit court shall hear the appeal according to its own rules and procedures and shall determine the correct amount of refund due, if any. If an appeal is not filed with the appropriate

circuit court within two years of the date the petition was denied, then the appeal shall be dismissed for lack of jurisdiction.

SECTION 21. Delivery License

- (a) In lieu of any other type of license, a taxpayer may at its option purchase for \$100.00 plus the issuance fee, a delivery license for the privilege of delivering its merchandise in the municipality if the taxpayer meets all the following criteria:
- (1) Other than delivers, the taxpayer has no other physical presence within the municipality or its police jurisdiction;
 - (2) The taxpayer conducts no other business in the municipality other than delivering merchandise and performing the requisite set-up and installation of said merchandise;
 - (3) Such delivery and set-up and installation is performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in that municipality, and is done by means of delivery vehicles owned, leased, or contracted by the taxpayer;
 - (4) The gross receipts derived from the sale and any requisite set-up or installation of all merchandise so delivered shall not exceed seventy-five thousands dollars (75,000) during the license year;
 - (5) Any set-up or installation shall relate only to (i) that required by the contract between the taxpayer and the customer or as may be required by state or local law, and (ii) the merchandise so delivered;
 - (6) If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, then within 10 days after any of said criteria have been violated or exceeded, the taxpayer shall purchase all appropriate business licenses from the municipality for the entire license year and without regard to this section.

- (b) Mere delivery of the taxpayer's merchandise by common carrier shall not allow the municipality to assess a business license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of a common carrier shall be counted against the seventy-five thousand (\$75,000) limitation described in the preceding section if the taxpayer also during the same license year sells and delivers into the taxing jurisdiction using a delivery vehicle other than a common carrier.
- (c) A common carrier, contract carrier, or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.
- (d) The delivery license shall be calculated in arrears, based on the related gross receipts during the preceding license year.
- (e) The purchase of a delivery license shall not, in and of itself, establish nexus between the taxpayer and the municipality for purposes of the taxes levied by or under the authority of Title 40 of the Code of Alabama or other provisions of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the municipality.

SECTION 22. License Classification Codes:

NAICS CODE	Description	Classification
541211	ACCOUNTANTS	Professional Group B
541810	ADVERTISING, BILLBOARDS	Advertising
238220	AIR CONDITIONING (INSTALLATION AND REPAIR)	Contractors Group B
541990	ALARMS	Professional Group C
312141	ALCOHOLIC BEVERAGES - LIQUOR CLASS I	Alcoholic Beverages
312142	ALCOHOLIC BEVERAGES - LIQUOR CLASS II	Alcoholic Beverages
722410	ALCOHOLIC BEVERAGES - RESTAURANT RETAIL	Alcoholic Beverages
621910	AMBULANCE	Motor Carriers
713110	AMUSEMENT	Entertainment
910001	AMUSEMENT DEVICE OR MACHINE	Contractors Group B
811412	APPLIANCES (INSTALLATION AND REPAIR)	Contractors Group B
541310	ARCHITECTS	Professional Group B
541950	ARTISTS	Professional Group B
541110	ATTORNEYS	Professional Group A
441310	AUTOMOBILE ACCESSORIES, PARTS	Merchants - Retail
441210	AUTOMOBILE AUCTION LOTS	Contractors Group B
441110	AUTOMOBILE DEALERS	Merchants - Retail
811118	AUTOMOBILE REPAIRS OR PAINT SHOP	Merchants - Retail
811119	AUTOMOBILE WASHING	Merchants - Retail
522110	BANKS, SAVING AND LOAN	Banks, Savings & Loan
812199	BARBER AND BEAUTY SHOP SUPPLIES	Merchants - Wholesale
812199	BARBERS	Services
812199	BEAUTICIANS	Services
312199	BEER - MANUFACTURER'S	Beer - Manufacturer
312122	BEER - OFF - PREMISES RETAIL	Beer - Retail
312121	BEER - ON/OFF-PREMISES RETAIL	Beer - Retail
312132	BEER - WHOLESALER'S	Beer - wholesale
312133	BEER - WINE WHOLESALER'S	Beer/Wine Wholesaler
812990	BOND MAKERS/AGENT	Professional Group B
451110	BOOK STORES	Merchants - Retail
238140	BRICK LAYERS, MASONRY, STONE CONTRACTOR	Contractors Group B
523999	BROKER - STOCKS, BONDS, ETC.	Professional Group B
236220	BUILDING CONTRACTOR, COMMERCIAL, BUILDING	Contractors Group A
238130	CABLE SERVICE	Contractor Group A
337129	CABINET MAKER, CARPENTRY	Contractors Group B
337125	CABINET MANUFACTURER	Manufacturers
541311	CHIROPRACTORS	Professional Group A
812320	CLEANING, PRESSING	Merchant - Retail
561440	COLLECTION AGENCIES	Professional Group B
238110	CONCRETE	Contractor Group B
524210	CONSULTANTS, AGENT	Professional Group C
236222	CONTRACTORS	Contractors Group A
623110	DAY NURSERIES	Schools
531210	DEALERS-REAL ESTATE OFFICES, BROKERS	Professional Group B

SECTION 22. License Classification Codes:

492110	DELIVERY	Delivery
541210	DENTIST	Professional Group A
452990	DEPARTMENT STORES, SUPERCENTER	Merchant - Retail
561611	DETECTIVE AGENCIES	Professional Group B
541111	DOCTORS	Professional Group A
448130	DRESS SHOPS	Merchant - Retail
713110	DRIVING RANGES, MINI GOLF	Entertainment
446110	DRUGSTORES	Merchant - Retail
812320	DRY CLEANINGS	Merchant - Retail
443112	ELECTRICAL APPLIANCE STORES-SALES, REPR	Merchant - Retail
238210	ELECTRICIANS, ELECTRICAL CONTRACOTRS	Contractors Group B
541330	ENGINEERS	Professionals Group B
711310	EVENT PLANNER	Contractor Group B
238910	EXCAVATORS, SIGHT DEVELOPMENT	Contractor Group B
561710	EXTERMINATORS	Contractor Group B
332999	FABRICATING	Manufacturers
238120	FENCING	Contractor Group B
525990	FINANCE AGENCIES, TRUSTS, FUNDS	Finance
453220	FIREWORKS - DISTRIBUTOR	Contractors Group A
453221	FIREWORKS - RETAILER	Contractors Group A
453212	FLEA MARKETS	Contractors Group A
238330	FLOORING REFINISHING	Contractors Group B
453222	FLORIST	Merchant - Retail
445120	FOOD AND BEVERAGE STORE	Merchant - Retail
238340	FRAMER	Contractor Group B
442110	FURNITURE STORES	Merchant - Retail
811117	GARAGES - REPAIRS	Merchant - Retail
562119	GARBAGE COLLECTION	Merchant - Retail
447110	GASOLINE - RETAIL	Merchant - Retail
452991	GENERAL MERCHANDISE	Merchant - Retail
238150	GLASS	Contractor Group B
445121	GROCERS	Merchant - Retail
541010	GROUP A PROFESSIONALS	Professional Group A
541020	GROUP B PROFESSIONALS	Professionals Group B
484110	HAULING	Delivery
621610	HOME HEALTHCARE	Professional Group C
541350	HOME INSPECTION	Professional Group C
236221	HOMEOWNER SELF	Contractors Group A
721110	HOTELS, MOTELS	Merchant - Retail
445122	ICE CREAM - RETAIL	Merchant - Retail
541212	INCOME TAX SERVICE	Professional Group C
238310	INSULATION	Contractors Group B
524126	INSURANCE - FIRE AND MARINE	Insurance
524128	INSURANCE - OTHER	Insurance
524210	INSURANCE BROKERS, AGENT	Professional Group C
561720	JANITORIAL SERVICES, WINDOW CLEANING	Merchants - Retail

SECTION 22. License Classification Codes:

323110	JOB PRINTING	Merchants - Retail
562212	LANDFILL	Contractors Group A
561730	LANDSCAPERS	Contractors Group B
812310	LAUNDRIES, LAUNDERETTES	Merchant - Retail
561622	LAWN CARE	Lawn Care
721110	LODGING HOUSES / APARTMENTS	Merchants - Retail
332998	MACHINE SHOPS	Manufacturers
339999	MANUFACTURERS, PROCESSORS, FABRICATOR	Manufacturers
621491	MASSAGE THERAPISTS - ESTABLISHMENT	Contractors Group A
621492	MASSAGE THERAPISTS - MASSEUR/MASSEUSE	Contractors Group A
452992	MERCHANTS - RETAIL	Merchants - Retail
424990	MERCHANTS - WHOLESALE	Merchants - Wholesale
453224	MISCELLANEOUS	Merchants - Retail
453223	MOBILE HOME SALES	Merchants - Retail
721110	MOTELS	Merchants - Retail
484111	MOTOR CARRIERS	Motor Carriers
511110	NEWSPAPERS - PUBLISHERS	Professional Group C
541498	OPTOMETRISTS	Professional Group A
238320	PAINTERS	Contractors Group B
238990	PAVING CONTRACTORS	Contractors Group B
522298	PAWN BROKERS	Professionals Group B
454391	PEDDLERS	Merchants - Retail
561710	PEST CONTROL	Services
541921	PHOTOGRAPHERS	Professional Group C
238221	PLUMBERS, STEAM FITTERS	Contractors Group B
531211	REAL ESTATE AGENTS	Professional Group C
532310	RENTAL	Merchants - Retail
722110	RESTAURANTS	Merchants - Retail
238160	ROOFERS	Contractors Group B
452993	SCHOOLS, PRIVATE CLASSES, FITNESS CTRS	Merchants - Retail
238911	SEPTIC TANKS	Contractors Group B
238992	SERVICE	Contractors Group B
238311	SHEET ROCK INSTALLATION	Contractors Group B
238161	SIDING	Contractors Group B
238991	SUBCONTRACTORS	Contractors Group B
541360	SURVEYOR	Contractors Group B
812198	TANNING BEDS	Services
485320	TAXICABS	Merchants - Retail
517310	TELECOMMUNICATION	Telecommunication
517120	TELEPHONE COMPANIES - LONG DISTANCE	Telephone Companies
453225	TOBACCO - RETAIL	Merchants - Retail
721214	TRAILER COURTS AND RV PARKS	Merchants - Retail
238993	TREE SURGEONS	Contractors Group B
96130	UTILITY COMPANIES	Utility
454510	VENDING MACHINES, NON STORE RETAILER	Merchants - Retail
541940	VETERINARIANS	Professional Group A

SECTION 22. License Claification Codes:

493110	WAREHOUSES	Warehouses
332997	WELDING SHOPS	Merchants - Retail
424990	WHOLESALER	Merchants - Retail
312131	WINE - OFF- PERMISES RETAIL	Wine - wholesaler
312134	WINE - WHOLESALER'S	Wine - Retailer
499410	WRECKER, TOWING	Merchants - Retail

ADDITIONAL NAICS CODES WILL BE ADDED AS NEEDED

SECTION 23. License Fee Schedule

There is hereby established the following annual license fees to be January 1 and delinquent January 31 of each year for the licenses as listed below, with a penalty hereinafter set out for the failure to purchase said license from the City of Margaret, Alabama:

Advertising – Each person engaged in the advertising by whatever means:

Annually \$500.00

(1) Alcoholic Beverages:

1. Liquor

A. Lounge Retail License. There is hereby established an annual retail liquor license within the city limits of the Town of Margaret in the amount of \$300.00 for a Class I license and \$1000.00 for a Class II license. This license allows for the sale of liquor, wine and beer at retail. There are hereby established two(2) types of retail lounge liquor licenses in conformity with the ABC board regulations:

(i). Class I license allows the licensee to sell alcoholic for both on – premises and off premises consumption.

(ii). Class II license allows the licensee to sell alcoholic beverages only for off- premises consumption. A Class II license shall also pay .0006 cents per dollar of gross sales above \$10,000.00.

B. Club Retail Liquor License. There is hereby established an annual License fee for a club retail liquor license within the city limits of the Town of Margaret in the amount of \$250.00. This license allows the sale of liquor, wine and beer at retail by regulated memberships-and- dues organizations only.

C. Restaurant Retail Liquor License. There is hereby established an annual license fee for a restaurant retail liquor license within the

limits of the Town of Margaret in the amount of \$300.00. This license allows the sell of liquor, wine and beer at retail for on-premises consumption only. Establishment must comply with health department regulations and derive fifty-one (51) per cent of gross receipts from the sale of food.

- D. Liquor Wholesale License. There is hereby established an annual license fee for a liquor wholesale license fee within the town limits of the Town Of Margaret in amount of \$300.00, plus \$200.00 for each warehouse in addition to the principal warehouse.
- E. Liquor Importer's License. There is hereby established an annual license fee for a liquor importer's license within town limits of the Town of Margaret in amount of \$250.00.
- F. Liquor Manufacturer's License. There is hereby established an annual license fee for a liquor manufacturer's license within the town limits of the Town of Margaret in the amount of \$250.00.
- G. [Distance Limitations] No Application for a lounge retail liquor license shall be consented to and approved by the city council where the location desired by the applicant is within two hundred fifty(250) feet any church building or grounds, school building or grounds or residential neighborhood.

2. Wine:

- A. Wine On/Off Premises Retail License. There is hereby established an annual license fee for a wine on/off-premises retail license within the town limits of the Town of Margaret in the amount of \$75.00. This license allows the sale of wine at retail for on-premises and off-premises consumption.
- B. Wine Off-Premises Retail License. There is hereby established an annual license fee for a wine-off premises retail license within town limits of the Town of Margaret in the amount of \$75.00. This license allows the sale of wine at retail for off-premises consumption only.
- C. Wine Wholesaler's License. There is hereby established an annual license fee for a wine wholesaler's license within the town limits of the Town of Margaret in the amount of \$275.00; plus \$100.00 for each warehouse in addition to the principal.
- D. Wine Importer's License. There is hereby established an annual license fee for a wine importer's license within town limits of the Town of Margaret in the amount of \$250.00.
- E. Wine Manufacturer's License. There is hereby established an

annual license fee for a wine manufacturer's license within the town limits of the Town Of Margaret in amount of \$250.00.

- F. [Definition Of Wine]. Wine, as covered by this subsection, shall have the definition of table wine, or any wine, containing not more than fourteen (14) per cent alcohol by volume.

3. Beer:

- A. Beer On/ Off Premises Retail License. There is hereby an annual license fee for beer on/off premises retail license within town limits of the Town of Margaret in the amount of \$75.00. This license allows the sale of beer at retail for on-premises and off-premises consumption.
- B. Beer Off-Premises Retail License. There is hereby established an annual license fee for a beer off-premises retail license within town limits of the Town of Margaret in the amount of \$50.00. This license allows the sale of beer at retail for off-premises consumption only.
- C. Beer Wholesaler's License. There is hereby established an annual license within the town limits of the Town of Margaret in the amount of \$200.00; plus \$100.00 for each warehouse in addition to the principal warehouse.
- D. Beer Importer's License. There is hereby established an annual license fee for a beer importer's license within the town limits of Town of Margaret in the amount of \$250.00.
- E. Beer Manufacturer's License. There is hereby established an annual license fee for a beer manufacturer's license within the limits of the Town of Margaret in the amount of \$250.00.
- F. Beer/Wine Wholesaler's License. There is hereby established an annual license fee for a beer/wine wholesaler's license within the town limits of the Town of Margaret in the amount of \$375.00; plus \$100.00 for each warehouse in addition to the principal warehouse.
- G. [Definition Of Beer]. The term "beer" as used in this subsection shall be interpreted to mean and include malt or brewed beverages of an alcoholic content not in excess of four (4) per cent by weight and five (5) per cent by volume.

(A) No application for wine on/off premises retail license shall be consented to and approved by the city council where the location desired by the applicant is within two hundred fifty (250) feet of any church building or grounds, school building or grounds, or residential neighborhood.

(B) All establishments licensed to sell on and/or off-

premises alcohol pursuant to this subsection shall also comply with all requirements and regulations of the ABC Board, the State of Alabama and St. Clair County.

(C) All persons, firms, partnerships, corporations, making an initial application for wine or beer licenses shall present said application to the town clerk of the Town of Margaret. Upon acceptance of same, the town clerk shall refer the application to the city building and zoning inspector, chief of police and fire chief. These individuals shall investigate the applicant and the proposed location to determine the property of granting the license. If they collectively determine that the applicant is of good character and that the location meets all requirements of any state or county laws, the applicable building, fire or other safety codes, they shall report their findings to the city clerk who shall forthwith issue the desired license.

(D) Any person, firm or corporation, not buying an appropriate license prior to the commencement of business, shall be guilty of a misdemeanor and, if found guilty by a court of competent jurisdiction, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or by imprisonment not to exceed one hundred eighty (180) days; and each day that the said license has not been purchased shall be separate offense.

(E) License shall be nontransferable; and each place of shall require a separate license. License is to be posted in a conspicuous place at or in the place for which the same was issued.

(2). Banks and Savings and Loan Associations- Each person, operating a savings and loan association, building and loan association, or bank, other than national banks:
Annually \$125.00

(3). Beer – Retail: Section 23.3

(4). Billiards Parlors:
Annually \$250.00

(5) Contractors: Each person engaged in business of receiving orders, contracts, or Subcontractors, for erecting, enlarging, or improving, repairing, or servicing any building, structure or appliance or making improvement to land or any other type of construction:

Group A - Prime Contractors: \$500.00
Annually

Group B – Subcontractors: \$100.00
Annually

- (6) Clubs – Private: \$200.00
Annually
- (7) Delivery – Each person who unloads, delivers, or distribute of any goods, wares, merchandise or produce up to \$75,000 in gross receipts. Over \$75,000 annual fee plus .09%.
Annually \$100.00
- (8) Entertainment: \$100.00
Annually
- a. Game Room, for up to four (4) machines or devices \$100.00
plus for each additional machine or device \$25.00
- b. Each machine or device located in a licensed business other than a game room, up to four (4) machine \$100.00
- c. The same license fees listed above shall apply to companies or individual owners who place game machines or devices at approved locations in the Town of Margaret, but it is not the intent of this section to require both the owner and the lesser to obtain a license for the same machine or device.
- (9) Finance: \$150.00
Annually
- (10) a.. Fire and Marine insurance, four (4) per cent of its gross premiums, less return premiums received by such company in municipality. (Maximum authorized, Code of Ala. 1975, ss11-51-120)
- b. Domestic life \$ 10.00 and \$1.00 for each \$100.00 and major fraction thereof of the gross premiums received during the preceding year of policies issued in said year on citizens living in said city.
- c. Each insurance company other than fire and marine that did not do business in the town during the previous year, shall pay a license tax of \$25.00 to the town before beginning business, but said license of \$25.00 shall be adjusted at the end of the year on a basis of \$10.00 and \$1.00 for each \$100.00 and major fraction thereof of the gross premiums less turn premiums received during the preceding year on policies issued during said year to citizens of said town.(Maximum authorized Code of Ala 1975, ss11-51-121)
- (11) Lounges: Beer Parlors – Section 23.3
- (12) Manufacturers: Each person engaged in the business of manufacturing, compounding, producing, fabricating, or processing shall pay a license tax as follows:
Annually \$75.00
Plus .09 percent of gross sales, or fraction thereof.
- (13) Merchants: Retail – Each person engaged in the business of selling goods, wares or products to others for resale shall pay a license tax as follows:
Annually \$50.00
Plus .09 percent of gross sales over \$10,000.00

Merchants Wholesale – Each person engaged in the business of selling goods, wares or products to others for resale shall pay a license tax as follows:

Annually \$100.00
Plus .09 percent of gross sales over \$20,000.00

(14) Miscellaneous: Each person, dealer, association, or other business who shall in any capacity engage in or transact any trade, business, commerce, vocation, or profession for which no other license is specifically required by this Code shall not do business in the town or police jurisdiction until he has secured from the town clerk determination of a fair license for such business activity, and obtained the same.

(15) Motor Carriers: For each person engaged in the business of maintaining or operating a motor bus terminal or operating any terminal or station facilities for transportation of passengers, property or express transported by motor carrier or airplane and each person operating any motor carrier which does business in the town or receiving passengers or freight for transportation for hire, between the town and other points in Alabama, license fee shall be as follows:

Annually \$275.00

(16) Professionals: Each person engaged in any practice vocation, or calling:

Group A – Annually \$500.00
Group B – Annually \$350.00
Group C – Annually \$150.00

(17) Public Utilities: Each person operating any public utility in the town such as Electric light or power companies which supply electricity for light or power, gas companies, waterworks, except telephone and telegraph companies, railroad, sleeping car companies, and express companies, shall pay to the city a privilege license of three (3) percent of the gross receipts of said utility for the preceding year of business transacted in the city. (Maximum authorized, Code of Ala 1975, ss 11-51-129)

(17.1) Railroads: Each railroad keeping a place of business within the town and engaged in operating a railroad for the transportation of freight or passengers or both to and from points within the state

Annually \$100.00

(Maximum authorized, Code Ala 1975, ss 11-51-124)

(18) Rental Property: Each person, firm, company or corporation engaged in the business of renting or leasing real property to others within the Town shall pay a license tax as follows:

Annually \$50.00

Plus .09 percent of gross sales over \$10,000

(19) Schools: Each person conducting a school, kindergarten, or nursery as a business for profit shall pay a license tax on gross receipts as follows:

Annually \$50.00

Plus .09 percent of gross sales over \$10,000

(20) Services:

Annually \$100.00

All services such as barbershops, beauty shops, etc. shall have a license tax for each additional chair in the shop:

Annually, per chair \$25.00

(21) Telegraph Companies \$37.50
Annually
Maximum authorized, Code of Ala 1975, ss 11-51-127

(22) Telephone Companies \$210.00
Annually
Maximum authorized, code of Ala 1975, ss 11-51-128

Long Distance Charge \$53.00
Annually

(23) Utility Companies - Amount of license is state regulated. See Section 11-51-129 of the Code of Alabama 1975. An amount equal to three percent of gross receipts of business transacted in the municipality for the previous year.

(24) Warehouses: By Square footage
Annually

0-5,000 sq. ft.	\$100.00	50,001-60,000 sq. ft.	\$700.00
5,001-10,000 sq. ft.	\$ 200.00	60,001-70,000 sq. ft.	\$800.00
10,001-20,000 sq. ft.	\$ 300.00	70,001-80,000 sq. ft.	\$900.00
20,001-30,000 sq. ft.	\$ 400.00	80,001-90,000 sq. ft.	\$1,000.00
30,001-40,000 sq. ft.	\$ 500.00	90,001-12,00.00 sq. ft.	\$1,200.00
40,001-50,000 sq. ft.	\$ 600.00		
FROM 100,001 sq. ft. -up			

(25) Wine - Retail: See Section 23.2

SECTION 24. Exchange Of Information

(a) The license officer may exchange tax returns, information, records, and other documents secured by the municipality, with other municipalities adopting similar ordinances for the exchange of taxpayer information, or with county or state authorities. The license officer may charge a reasonable fee for providing such information or documents. Any tax returns, information, records, or other documents so exchanged shall remain subject to the confidentiality provisions, restrictions, and criminal penalties for unauthorized disclosure as provided under state or municipal law.

(b) Any such exchange shall be for one or more of the following purposes:

(1) Collecting taxes due.

(2) Ascertaining the amount of taxes due from any person.

(3) Determining whether a person is liable for, or whether there is probable cause for believing a person might be liable for, the payment of any tax to a state, county, or municipal agency.

(c) Nothing herein shall prohibit the use of tax returns or tax information by the municipality in the proper administration of any matter administered by the license officer. The license officer may also divulge to a purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama Department of Revenue, or successor of a business or stock of goods the outstanding sales, use or rental tax liability of the seller for which the purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama Department of Revenue, or successor may be liable pursuant to the Code of Alabama section 40-23-25, 40-23-82, or 40-12-224.

SECTION 25. Effective Date

License effective date is October 1, 2007 to December 31, 2008. Each subsequent year after December 31, 2008, our license year will be January 1 to December 31.

SECTION 26. Severability

The sections, paragraphs, sentences, clauses and phases 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.

SECTION 27: JUNK YARD/SALVAGE YARD

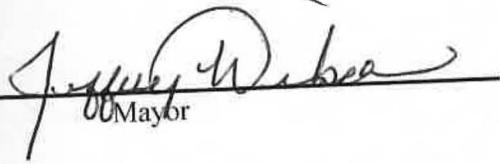
1. Person or firm must make application in writing to the council specifying the place where he intends to carry on such business.
2. Applicant must give Fire Department and Police Department permission to inspect and search the premises of said business at all times.
3. Applicant must submit with application a program showing how the business will maintain control of rodents and insects.
4. Applicant must submit with application a plan for collecting and disposing of all fluids that are hazardous to the environment. They must be collected and disposed of according to standards set by the EPA and ADEM. The following being a list of some substances but may not include all those required by the EPA and ADEM.
Antifreeze Diesel Fuel Paint Transmission Fluid Fuel Oil
Rust Remover Batteries Kerosene Polishes (or acid from)
Gasoline Waxes Motor Oils Brake Fluid
5. Applicant must provide a fence at least (7') seven feet in height to secure the area so that no person or persons may freely enter the area or encounter potentially dangerous situation or hazardous substance.
6. Applicant must be made aware of possible controls being put on him by EPA or ADEM, which is beyond the control of the council. If applicant is not the landowner, that person must also be aware of the same. Certified letter or signed statement will be the sole proof of notification.
7. Applicant holds free from Liability, the Town of Margaret under the possible clean up of any hazardous waste spills. Liability lying solely on the applicant/landowner.

SECTION 27. Repealer

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed

Adopted: 12 / 17 / 07

The seal of the City of Margaret, Indiana, is circular. It features a central figure holding a staff, surrounded by the text "CITY OF MARGARET, INDIANA".
Marilyn Johnson
City Clerk

A handwritten signature in cursive script, likely of the Mayor, written over a horizontal line.
Mayor

Clerk's Certificate

I, Marelyn Johnson, clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #M2007-09-10C was posted on December 12,
2007

At the following three places in the Town of Margaret, Alabama.

1. Margaret Town Hall

2. Margaret Post Office

3. Lee's Country Store

ORDINANCE NO. 07-1016

AN ORDINANCE TO REQUIRE FINANCIAL GUARANTEE OF PERFORMANCE
FOR THE CONSTRUCTION AND ACCEPTANCE FOR MAINTENANCE OF ROADS
LOCATED WITHIN SUBDIVISIONS WITHIN THE TOWN OF MARGARET

WHEREAS, the Town of Margaret, Alabama (the "Town") has realized significant growth and development resulting from the construction and development of subdivisions within its corporate limits; and

WHEREAS, the Town has been requested to acceptance the maintenance of the roads located within the subdivisions; and

WHEREAS, the Town Council is of the opinion that it is wise, expedient and in the best interests of the Town and its citizens to establish a policy to provide for a financial guarantee of performance for the construction and acceptance of roads located within subdivisions within the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Margaret Alabama, as follows:

1. The subdivider and/or the developer of any subdivision shall be responsible for the provision of all improvements for the subdivision including the construction of the roadways within the subdivision.
2. In order to be accepted by the Town for maintenance, all roadways within the Town shall be constructed pursuant to the following specifications:
 - (a) All public rights-of-way shall be a minimum of sixty (60) feet in width unless otherwise recommended by the Town Engineer or Building Inspector. All public rights-of-way for cul-de-sacs shall be ten (10) feet outside of the cul-de-sac.
 - (b) All public roadways shall be a minimum of twenty-eight (28) feet in width from should to shoulder.
 - (c) The base of all roadways shall be a minimum of six (6) inches of compacted chert, sandstone, shell rock or any other base approved by the Town Engineer. All bases must past the proof roll test or such other test as required by the Town Engineer. Greater depths may be required by the

Town Engineer, depending on existing subgrade conditions and future traffic projections. The total width of the compacted subgrade shall extend one (1) foot beyond the back of curb or one (1) foot beyond the edge of the pavement.

- (d) All storm drainage facilities shall be designed by a professional engineer, registered in the State of Alabama. The engineer's seal shall be affixed to all drawings. All drainage pipes shall be one of the following:
 - (i) reinforced concrete pipe for applications inside any right-of-way.
 - (ii) High Density Polyethylene (HDPE) pipe, metal pipe, or such other pipe as may be approved by the Town Engineer will be allowed for non-right-of-way applications within an easement.
- (e) The minimum width of the paved surface of roadways shall be (20) feet. All pavement for roads within any subdivision shall consist of asphalt and shall comply with the following:
 - (i) the asphalt base course shall be a minimum of one and one-half (1½) inches, compacted thickness of Hot Bituminous Pavement, Alabama Highway Department ("ADH") Specifications, Section 411, Mix A and the minimum application rate shall be one hundred, five (105) pounds per inch per square yard
 - (ii) the final asphalt layer shall be a minimum of one (1) inch compacted thickness of Bituminous Concrete Wearing Surface, AHD Specifications, Section 416, Mix A and the application rate shall be one hundred, eight (108) pounds per square yard of asphalt.
- (f) All dead end roads shall have a minimum cul-de-sac of eighty (80) feet.
- (g) Prior to applying the pavement the base for all roadways must be inspected and approved by the Town Engineer and must pass a proof rolling test with loaded tandem truck or such other test as required by the Town Engineer.
- (h) A minimum of six (6) inch water line is required in all subdivisions and fire hydrants shall be installed so that each lot is within the proper fire ISO requirement. The installation and location of all fire hydrants shall be approved by the Fire Chief or the Building Inspector.
- (i) All fences shall be located off the right-of-way line. A clear zone of ten

(10) feet shall be maintained from the edge of pavement.

- (j) All subdividers and/or developers shall be responsible all roadways located within the subdivision for one (1) year from the date such roads are accepted for maintenance by the Town and shall be responsible to make and pay for any necessary repairs to the roadways. All subdividers and/or developers shall execute an indemnity agreement acknowledging this provision.

3. The subdivider and/or developer shall provide a financial guarantee of performance in the form of a certificate of deposit, a subdivision improvement bond, or an irrevocable letter of credit. All forms of financial guarantees must meet the following requirements:

- (a) the form of the financial guarantee must be approved by the Town Engineer and the Building Inspector;
- (b) the financial guarantee must be in an amount not less than one hundred, fifty percent (150%) of the total estimated cost to cover the installation of all utilities and other public improvements including, but not limited to, roadway and drainage improvements;
- (c) the Town Engineer must consent to the accuracy of the estimated cost of installation of the utilities and public improvements;
- (d) the financial guarantee must be filed with the Town Clerk; and
- (e) any subdivision improvement bond must be made by a surety company authorized and doing business in the State of Alabama.

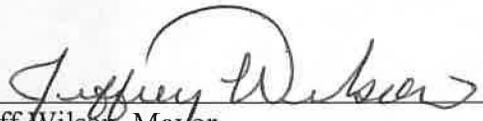
4. If, within twelve (12) months after filing the financial guarantee, the subdivider and/or developer has not completed installation of all of the utilities and public improvements to the satisfaction of the Town Engineer and/or Building Inspector, the Town may take such actions as may be necessary to require performance of the subdivider and/or developer or the Town may, in its discretion, use the proceeds of the financial guarantee to complete installation of the utilities and/or public improvements.

5. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

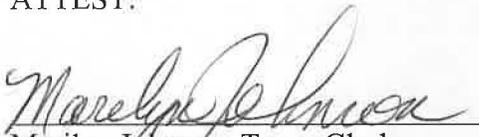
6. If any section, clause or provision of this Ordinance is deemed to be unconstitutional or held invalid it shall not affect any other section, clause or provision of this Ordinance.

7. This ordinance shall become effective upon passage, approval and publication as required by law.

THE TOWN OF MARGARET, ALABAMA


Jeff Wilson, Mayor

ATTEST:


Marilyn Johnson, Town Clerk

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #07-1016 was adopted by the Mayor and Town Council on OCTOBER 16, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on October 18, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

ORDINANCE # 07-1028

WHEREAS ON THE 28 DAY OF October _____ 2007 , ALL
PROPERTY OWNERS
William Arant

Of the real property hereinafter described in Exhibit "A", which is attached hereto and incorporated herein
Buy reference, did file with the Town Clerk, a petition or petitions asking that the said tracts or parcels of
land to be annexed to and became part of the Town of Margaret; and

WHEREAS, said petition did contain the signatures of all the owners of the described territory
and a map of said property showing its relationship to the corporate limits of the Town of Margaret; and

WHEREAS. The governing body did determine that it is in the public interest that said property
be annexed to the Town of Margaret and it did further determine that all legal requirements for annexing
said real property have been met, pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama,
1975:

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
MARGARET, ALABAMA AS FOLLOWS;

Section 1. The council of the Town of Margaret, Alabama finds and declares as
the legislative body of the Town that it is in the best interest of the citizens of the Town, and the citizens of
the affected area, to bring the territory described in Section 2 of the Ordinance into the Town of Margaret.

Section 2. The boundary lines of The Town of Margaret, Alabama be, and the
same are, hereby altered or rearranged so as to include all the territory heretofore encompassed by the
corporate limits of the Town of Margaret, and in addition thereto the following described territory, to-wit:
See Exhibit "A" attached hereto and make a part hereof

Section 3. That the property owners shall be responsible for the payment of all fire
dues, assessments or other charges, if any, whether previously, incurred, currently owned, or that may
become due in the future.

Section 4. This Ordinance shall be published as provided by law and a certified
copy of the petition of the property owners shall be filed with the Probate Judge of the County were
located.

Section 5. The territory described in this Ordinance shall become a part of the corporate limits of the Town of Margaret, Alabama, upon publication of this Ordinance as set forth in Section 3. above.

ADOPTED AND APPROVED THIS THE 27th DAY OF October 2007

Jeffrey Wilson
Mayor

Attest:

Marelyne Johnson
Town Clerk



2007 16936
Recorded in the Above
DEED Book & Page
11-01-2007 11:27:49 AM

PETITION FOR ANNEXATION

To: Town of Margaret, Alabama

We, the undersigned, constituting all of the owners of all the hereinafter described real property do hereby execute and file with the Town Clerk this written petition asking and requesting that our property hereinafter described be annexed to the Town of Margaret, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975.

Said property is described in Exhibit "A" attached hereto and part hereof.

We further certify that said property is contiguous to the Town of Margaret, Alabama, and that none of the property lies within the corporate limits of another municipality. We further certify that all of the property included in the above description, which lies within the police jurisdiction of both the annexing municipality and another municipality is located closer to the annexing municipality than to the other municipality as required by Section 11-42-21, Code of Alabama 1975.

We do hereby request that the Town Council and Town Clerk give such notice, hold such hearing and adopt such ordinance and do all such thing or acts as is required by law so that the corporate limes of the Town of Margaret, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this the
24 day of October, 2007.



Property owner

Property owner

Property owner

Property owner

2007 16938
Recorded in the Above
DEED Book & Page
11-01-2007 11:27:49 AM

TOWN OF MARGARET
WATER DEPARTMENT
P.O. BOX 207
MARGARET, ALABAMA 35112
TELEPHONE (205) 629-7001

RIGHT OF ENTRY AGREEMENT

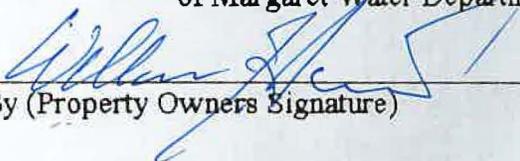
To Whom It May Concern:

Permission is granted to The Town of Margaret Water Department, its agents and contractors to perform certain activities more specifically described as follows:

Installation of water mains and service lines in a field determined easement.

The activities performed on the Premises by The Town of Margaret Water Department are permitted hereunder on the following terms and conditions:

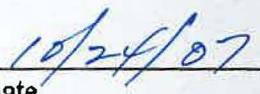
- (1) The Town of Margaret Water Department will leave the construction area consistent with its condition prior to the installation of water mains and service lines.
- (2) Upon completion of this construction, the easement will be 5 feet from the center line of the installed water main.
- (3) All construction activities will be performed in accordance with The Town of Margaret Water Department.


By (Property Owners Signature)

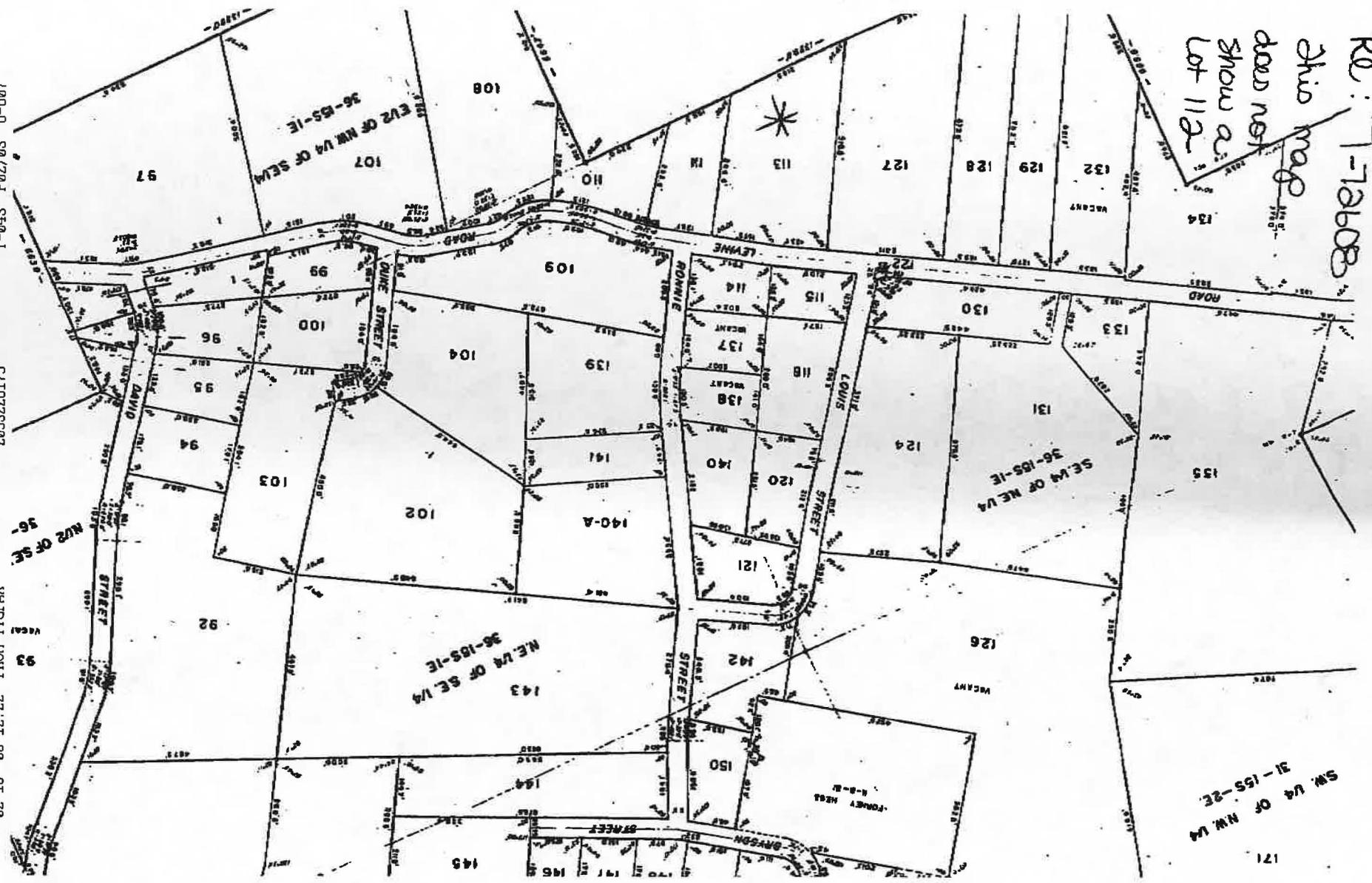
Witness Signature

Property Address

Witness Signature


Date

Jo: Jane
Re: 1-72608
this map
does not
show a
lot 112



T-043 P02/03 U-607

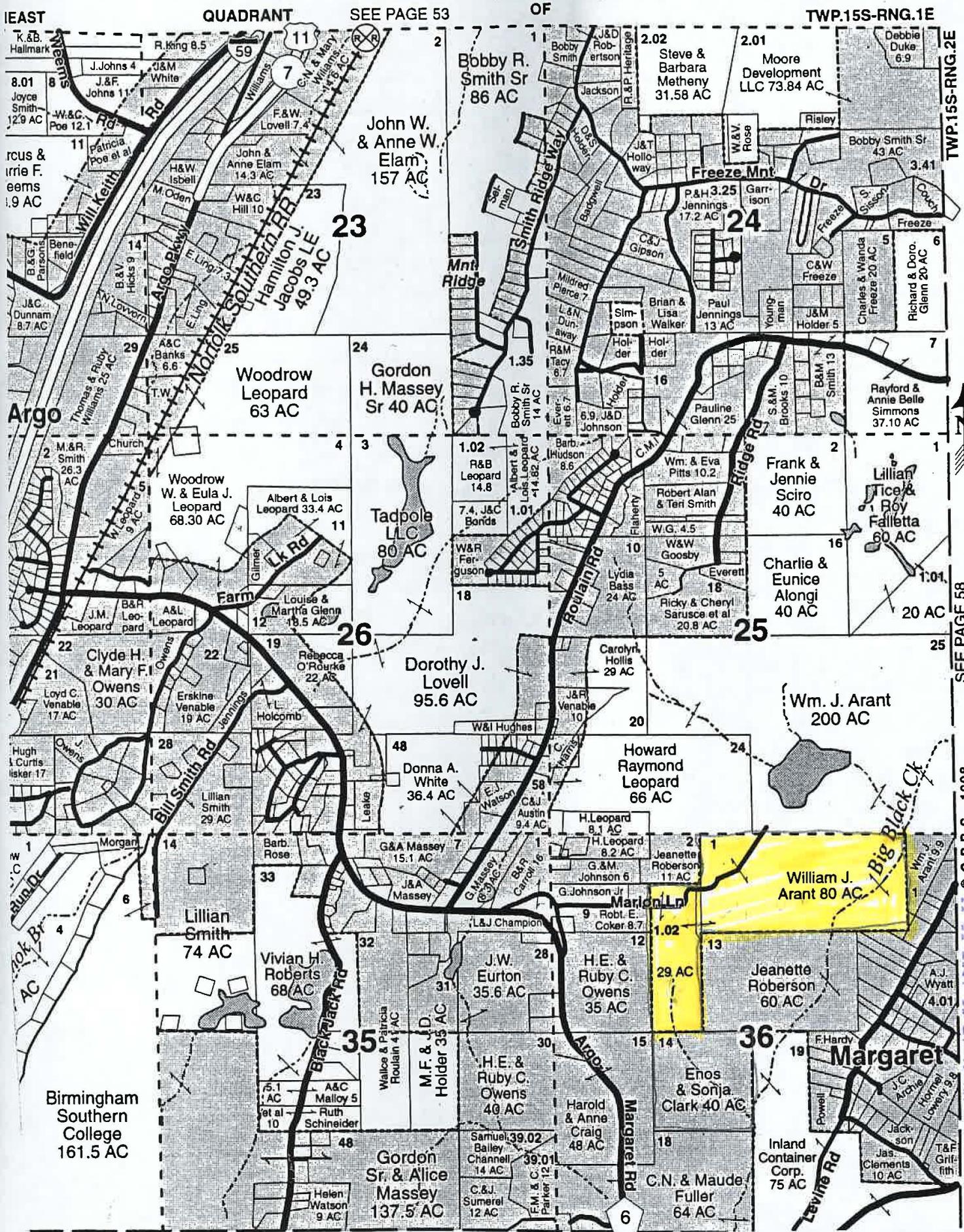
2053226175

02-13-06 12:22 FROM-TTGFAX

TWP.15S-RNG.1E - SOUTHEAST

ST. CLAIR COUNTY, ALABAMA (LOCATOR 15)

1
SCALE OF FEET 5280



SEE PAGE 58

© C.P.B.S. 1998
Recorded in the Above
DEED Book & Page
11-01-2007 11:27:49 AM E2-RNG.2E
TWP.15S-RNG.2E

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #07-1028-A was adopted by the Mayor and Town Council on OCTOBER 27, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on October 31, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

LESS AND EXCEPT (Tract II):

Begin at the Northeast corner of the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 36, Township 15 South, Range 1 East, thence South 00 degrees 59 minutes 17 seconds East a distance of 789.17 feet; thence North 26 degrees 15 minutes 11 seconds West a distance of 140.56 feet; thence North 00 degrees 59 minutes 18 seconds West a distance of 663.03 feet; thence North 89 degrees 56 minutes 06 seconds East a distance of 60.00 feet to the point-of-beginning. Lying in the Northwest quarter of Section 36, Township 15 South, Range 1 East. St. Clair County, Alabama.

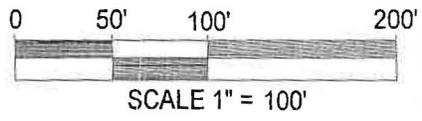
PARCEL II:

Non-exclusive rights of ingress and egress across a 60 foot wide road right-of-way North of and adjacent to the South line of Tract I above.

Non-exclusive rights of ingress and egress across a 60 foot wide right-of-way South of and adjacent to the North line of Tract II above and a 60 foot wide right-of-way North of and adjacent to the South line of the North half of the Southwest quarter of the Northeast quarter of the of the Northwest quarter of Section 36, Township 15 South, Range 1 East, St. Clair County, Alabama.

2007 16944
Recorded in the Above
DEED Book & Page
11-01-2007 11:27:49 AM
Wallace Wyatt Jr - Probate Judge
St. Clair County, Alabama
Book/Pg: 2007/16935
Term/Cashier: N RECORD3 / ANYI
Tran: 4358.120050.183560
Recorded: 11-01-2007 11:29:19
CER Certification Fee 1.00
PJF Special Index Fee 5.50
REC Recording Fee 30.00
Total Fees: \$ 36.50

11-11-2007 11:27:49 AM



○ - INDICATES 1/2" IRON
PINS SET - RLS # 13409
UNLESS OTHERWISE
NOTED

RIGHT-OF-WAY DESCRIPTION - PARCEL "A"

Begin at an iron at the Northeast corner of the Southwest 1/4 of the Northeast 1/4 of Section 36, Township 15 South, Range 1 East; thence South 0 degrees 00 minutes 26 seconds East along the East line of the Southwest 1/4 of the Northeast 1/4 of Section 36 a distance of 871.07 feet; thence continue South 0 degrees 00 minutes 26 seconds East a distance of 36.00 feet to an iron; thence North 56 degrees 26 minutes 21 seconds West a distance of 36.00 feet; thence North 0 degrees 00 minutes 26 seconds West a distance of 851.67 feet to the North line of the Southwest 1/4 of the Northeast 1/4 of Section 36; thence South 89 degrees 02 minutes 15 seconds East along the 1/4-1/4 section line a distance of 30.00 feet to the point-of-beginning. Containing 0.59 acres and lying in the Southwest 1/4 of the Northeast 1/4 of Section 36, Township 15 South, Range 1 East, St. Clair County, Alabama.

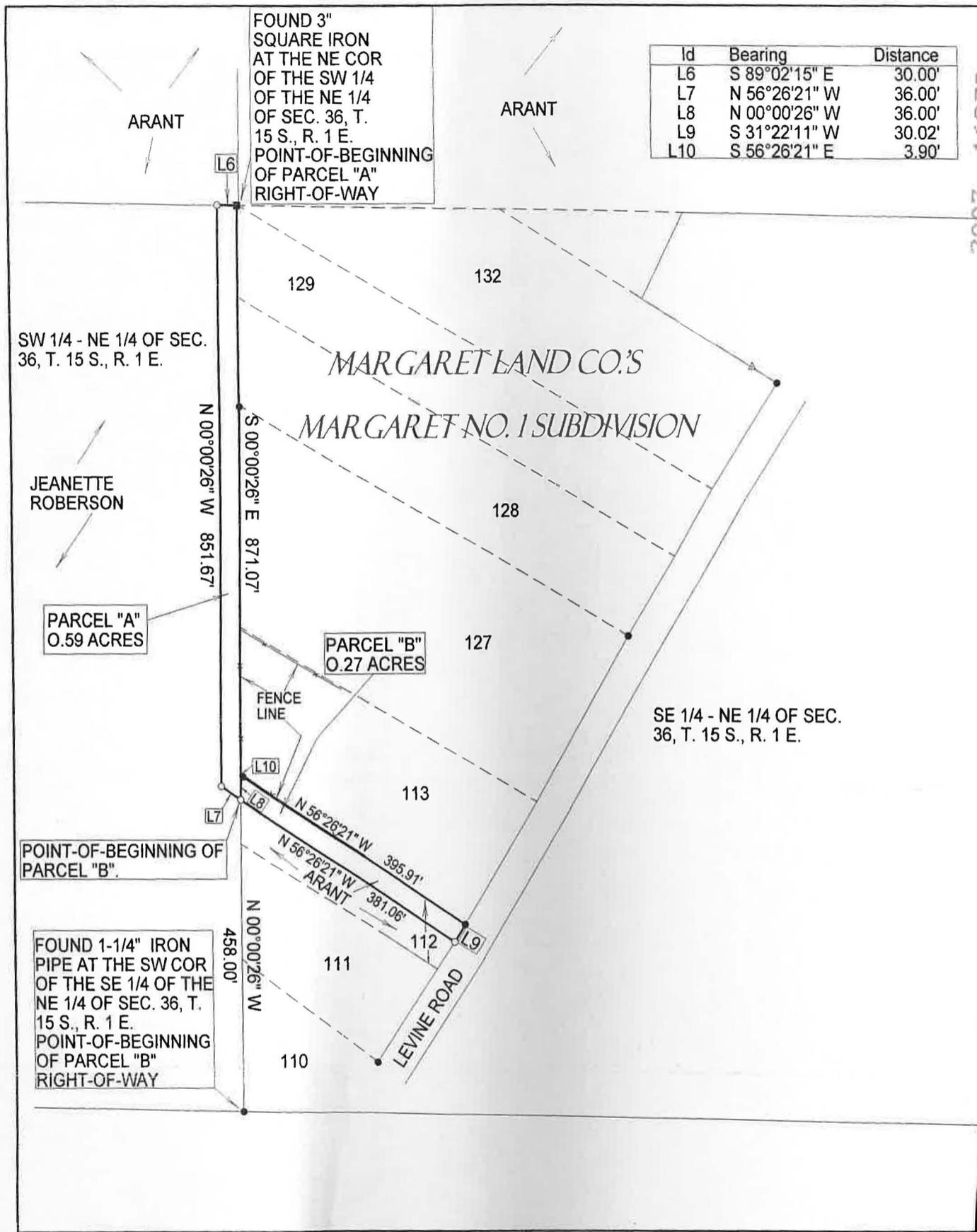
RIGHT-OF-WAY DESCRIPTION - PARCEL "B"

Begin at an iron at the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of Section 36, Township 15 South, Range 1 East; thence North 0 degrees 00 minutes 26 seconds West along the West line of the Southeast 1/4 of the Northeast 1/4 of Section 36 a distance of 458.00 feet to an iron for a point-of-beginning; thence continue North 0 degrees 00 minutes 26 seconds East a distance of 36.00 feet; thence South 56 degrees 26 minutes 21 seconds East a distance of 3.90 feet to an iron; thence continue South 56 degrees 28 minutes 21 seconds East a distance of 395.91 feet to an iron on the Northwest side of Levine Road; thence South 31 degrees 22 minutes 11 seconds West a distance of 30.02 feet to an iron; thence North 56 degrees 26 minutes 21 seconds West a distance of 381.06 feet to the point-of-beginning. Containing 0.27 acres, being a part of lot 112 of the Margaret Land Co.'s Margaret No. 1 Subdivision, as recorded in Plat Book 4, Page 7, in the Office of the Judge of Probate, St. Clair County, Alabama.

I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama, to the best of my knowledge, information and belief.

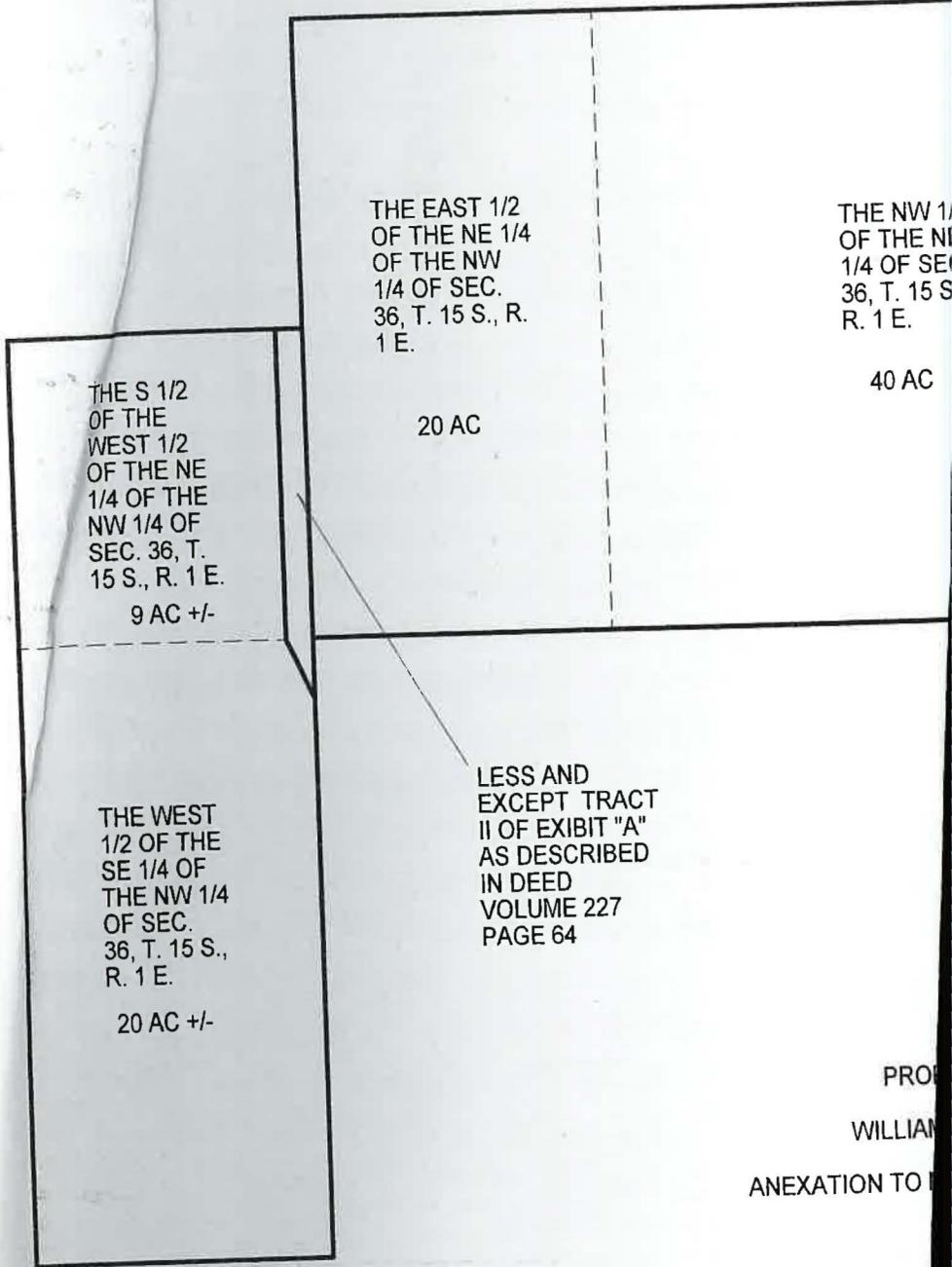
Walter W. Coleman, Jr., Surveyor
Alabama License # 13409 Date: _____

TYPE OF SURVEY: right-of-way	SURVEY FOR William J. Arant	
<i>WALTER W. COLEMAN, JR., SURVEYOR</i> 174 RICHERTIDGE LANE SPRINGVILLE, AL 35146 (205) 613-0665		
SCALE 1" = 100'	DATE OF FIELD SURVEY: 9/07	FILE # 36151ecooper



2007 16939
Recorded in the Above

2007 16940
Recorded in the Above
DEED Book & Page
11-01-2007 11:27:49 AM



PRO
WILLIAM
ANEXATION TO

25 | 31
36 | 6

THE WEST
1/2 OF THE
NE 1/4 OF
THE NE 1/4
OF SEC.
36, T. 15 S.,
R. 1 E.

20 AC

POSED
J. ARANT
MARGARET, ALABAMA



U.S. Department of Justice

Civil Rights Division

CC:MSR:JEM:par
DJ 166-012-3
2007-5643

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

January 2, 2008

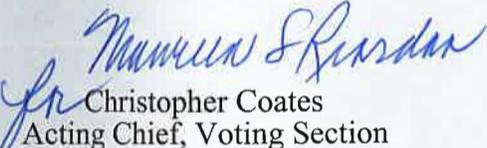
Ms. Marelyn Johnson
Town Clerk
P.O. Box 309
Margaret, Alabama 35112

Dear Ms. Johnson:

This refers to the annexation (Ordinance No. 07-1028) and its designation to District 2 of the Town of Margaret in St. Clair County, Alabama, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on November 6, 2007.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Sincerely,


Christopher Coates
Acting Chief, Voting Section



RECEIVED
1-07-08

ORDINANCE NO. 07-1106

AN ORDINANCE TO AMEND THE TOWN OF MARGARET PERSONNEL POLICY

BE IT ORDAINED by the Town Council of the Town of Margaret, Alabama, that the Town of Margaret Personnel Policy is hereby amended to add the following:

VI. SPECIAL PROVISIONS

A. AMERICANS WITH DISABILITIES ACT ("ADA")

In compliance with the ADA, the Town will provide reasonable accommodations to otherwise qualified individuals with disabilities as prescribed in accordance with the Act. A "reasonable accommodation" may be provided when it enables the employee to perform the essential functions of the job. Employees who wish to obtain more information concerning the ADA and/or "reasonable accommodations" to qualified individuals are encouraged to contact their Department Head.

B. EQUAL EMPLOYMENT OPPORTUNITY

The Town of Margaret is an Equal Opportunity Employer. All employee hiring, terminations, classifications, assignments and promotions shall be based on ability and suitability and without regard to race, color, age, sex, national, origin, religion, race, political affiliation, veteran status or handicap (if physical condition is a bona fide occupational qualification as reflected in the approved job description for the job/position).

The Town of Margaret is committed to maintaining a work environment that is free of unlawful conduct. In keeping with this commitment, we will not tolerate harassment, discrimination or the unlawful treatment of employees by anyone, including any elected or appointed official, supervisor, co-worker, vendor, client, citizen or customer of the Town.

The Town will not tolerate conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance or that creates an intimidating, hostile or offensive working environment. No elected or appointed official, supervisor or Town employee has authority to engage in such conduct. In addition, the Town prohibits any form of retaliation against an employee who lodges a bona fide complaint of discrimination or harassment or who assists in a complaint investigation.

All employees must comply with this Policy. Department Heads and Supervisors at all levels have the responsibility to require compliance by subordinates.

C. COMPLAINT PROCEDURE

Any employee who feels he or she has been discriminated against in conditions of employment solely because of religion, sex, age, race, national origin, or disability, shall file a written complaint directly with the Mayor. EEO complaint forms are available in the Town Clerk's office. The complaints should be filed within five (5) working days of the occurrence. The complaint will be fully investigated by a designate of the Mayor who, after investigation, will respond to the complaint within ten (10) working days of the date the complaint is presented.

D. SEXUAL HARASSMENT

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other physical, verbal or visual conduct based of a sexual nature when:

- a. Submission to the conduct involves a term or condition of the individual's employment, either stated or implied;
- b. The individual's submission or refusal is used, or might be used as the basis of an employment decision, which affects the individual.
- c. The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes", jokes about gender - specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching or brushing against another's body; sexual advances, requests for sexual favors and other similar verbal or physical conduct.

Retaliation or discrimination against an Employee for complaining about sexual harassment is prohibited.

E. COMPLAINT PROCEDURE FOR HARASSMENT

Any employee who feels that he/she has experienced or witnessed harassment, discrimination or unlawful treatment, should immediately notify, in writing, (preferably within 24 hours, the employee's Supervisor, Department Head, the Mayor or the Town Clerk.

The Town will investigate all complaints and to the extent practicable, and appropriate, will keep complaints and the terms of their resolution confidential. The Town will take corrective action as appropriate, including such discipline up to and including immediate termination of employment. The employee will be notified as to the outcome of his/her complaint. Any employee who has any questions about the status of his/her complaint should contact the Town Clerk or the Mayor.

The Town prohibits any form of retaliation against an employee who lodges a bona fide complaint of discrimination or harassment or who assists in a complaint investigation. However,

because the consequences are serious for the charged employee, the Town may take disciplinary action against any person giving false information.

F. DISCIPLINARY ACTION FOR POLICY VIOLATIONS BY EMPLOYEES

Compliance with the policy is a condition of employment. Employees who violate the provisions of the Personnel Policy, including the provisions of this Section, will be subject to disciplinary action in accordance with Section V, Disciplinary Action and Procedures.

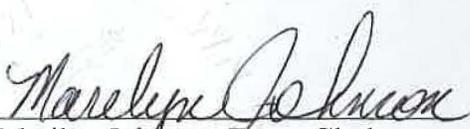
DONE and ORDAINED by the Town Council of the Town of Margaret, Alabama, this the 6th day of November, 2007.

THE TOWN OF MARGARET, ALABAMA



Jeffrey Wilson, Mayor

ATTEST:



Marilyn Johnson, Town Clerk

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #07-1106 was adopted by the Mayor and Town Council on November 06, 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on November 9, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

2008 5787
Recorded in the Above
DEED Book & Page
05-02-2008 10:07:22 AM
Wallace W. ... - Probate Judge
St. Cl ... unty, Alabama

2008/5787
Cashier: N RECORD3 / ANYI
Tran: 4603.128145.195405
Recorded: 05-02-2008 10:07:39
CER Certification Fee 1.00
PJF Special Index Fee 5.50
REC Recording Fee 15.00
Total Fees: \$ 21.50

ORDINANCE # 07-1120

WHEREAS ON THE 20 th DAY OF November 2007 , ALL
PROPERTY OWNERS,
Brian Camp

Of the real property hereinafter described in Exhibit "A", which is attached hereto and incorporated herein
Buy reference, did file with the Town Clerk, a petition or petitions asking that the said tracts or parcels of
land to be annexed to and became part of the Town of Margaret; and

WHEREAS, said petition did contain the signatures of all the owners of the described territory
and a map of said property showing its relationship to the corporate limits of the Town of Margaret; and

WHEREAS. The governing body did determine that it is in the public interest that said property
be annexed to the Town of Margaret and it did further determine that all legal requirements for annexing
said real property have been met, pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama,
1975;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
MARGARET, ALABAMA AS FOLLOWS;

Section 1. The council of the Town of Margaret, Alabama finds and declares as
the legislative body of the Town that it is in the best interest of the citizens of the Town, and the citizens of
the affected area, to bring the territory described in Section 2 of the Ordinance into the Town of Margaret.

Section 2. The boundary lines of The Town of Margaret, Alabama be, and the
same are, hereby altered or rearranged so as to include all the territory heretofore encompassed by the
corporate limits of the Town of Margaret, and in addition thereto the following described territory, to-wit:
See Exhibit "A" attached hereto and make a part hereof

Section 3. That the property owners shall be responsible for the payment of all fire
dues, assessments or other charges, if any, whether previously, incurred, currently owned, or that may
become due in the future.

Section 4. This Ordinance shall be published as provided by law and a certified
copy of the petition of the property owners shall be filed with the Probate Judge of the County were
located.

Page 2
Ordinance # 07-1120

Section 5. The territory described in this Ordinance shall become a part of the corporate limits of the Town of Margaret, Alabama, upon publication of this Ordinance as set forth in Section 3. above.

ADOPTED AND APPROVED THIS THE 20th DAY OF November 200

Jessie Wilson
Mayor

Attest:

Marilyn Johnson
Town Clerk

PETITION FOR ANNEXATION

2008 5789
Recorded in the Above
DEED Book & Page
05-02-2008 10:07:22 AM

TO: TOWN OF MARGARET, ALABAMA

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file with the Town Clerk this written petition asking and requesting that our property hereinafter described be annexed to the Town of Margaret, Alabama, under the authority of Sections 11-42-20 through 11-42-24, Code of Alabama 1975.

Said property is described in Exhibit "A: attached hereto and made a part hereof.

We further certify that said property is contiguous to the Town of Margaret, Alabama, and that none of the property lies within the corporate limits of another municipality. We further certify that all of the property included in the above description which lies within the police jurisdiction of both the annexing municipality and another municipality is located closer to the annexing municipality than to the other municipality as required by Section 11-42-21, Code of Alabama 1975.

We do hereby request that the Town Council and Town Clerk give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the Town of Margaret, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this the 2 day of
November 2007, 2000.

By:

Brian Camp

TOWN OF MARGARET
WATER DEPARTMENT
P.O. BOX 207
MARGARET, ALABAMA 35112
TELEPHONE (205) 629-7001

RIGHT OF ENTRY AGREEMENT

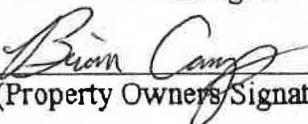
To Whom It May Concern:

Permission is granted to The Town of Margaret Water Department, its agents and contractors to perform certain activities more specifically described as follows:

Installation of water mains and service lines in a field determined easement.

The activities performed on the Premises by The Town of Margaret Water Department are permitted hereunder on the following terms and conditions:

- (1) The Town of Margaret Water Department will leave the construction area consistent with its condition prior to the installation of water mains and service lines.
- (2) Upon completion of this construction, the easement will be 5 feet from the center line of the installed water main.
- (3) All construction activities will be performed in accordance with The Town of Margaret Water Department.


By (Property Owners Signature)

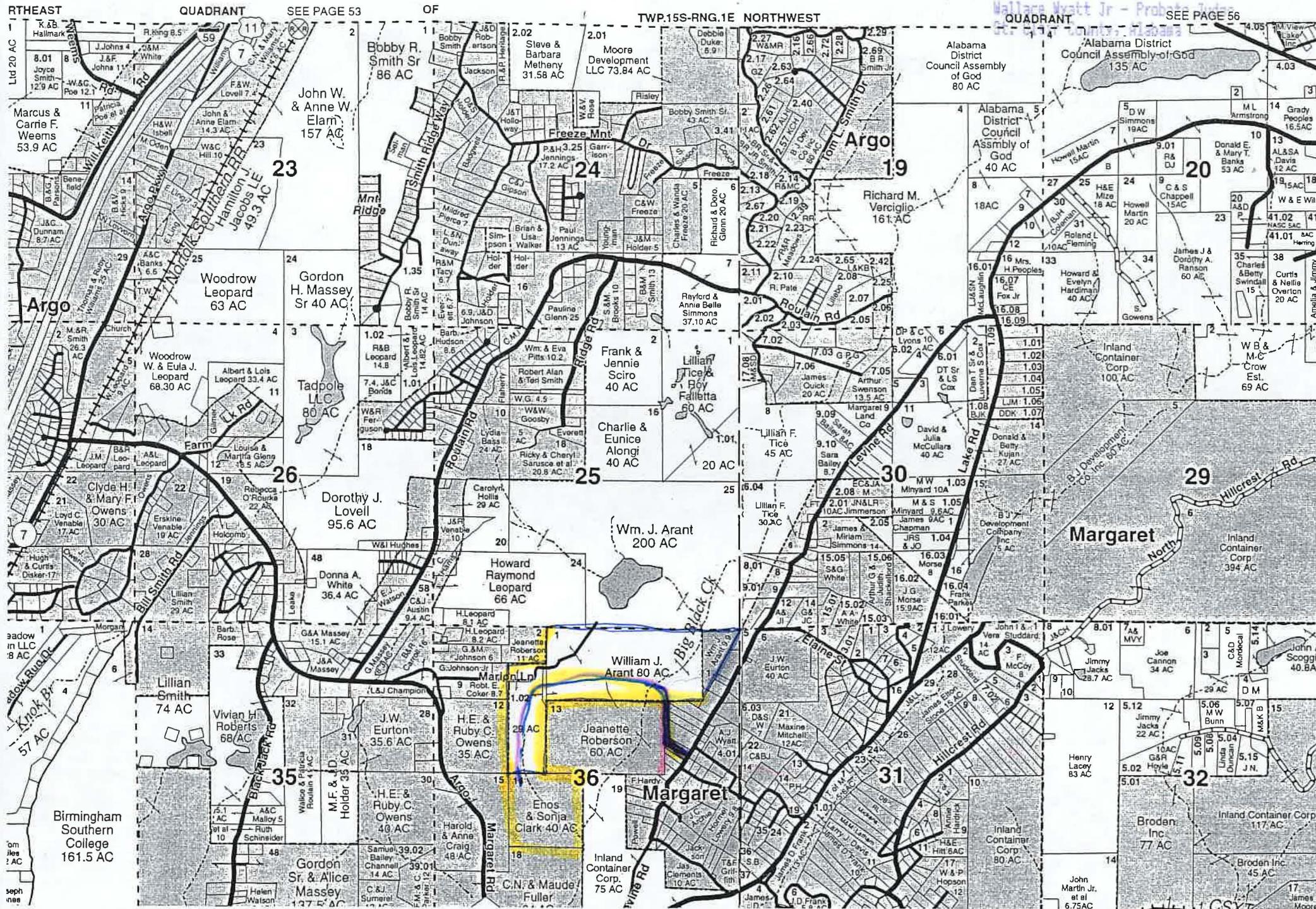
Witness Signature

Property Address

Witness Signature

Date

2008-05731
05-02-2008 10:07:22 AM
Wallace Wyatt Jr - Probate Judge





U.S. Department of Justice

Civil Rights Division

CC:MSR:DJ2:cv
DJ 166-012-3
2008-1728

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

April 14, 2008

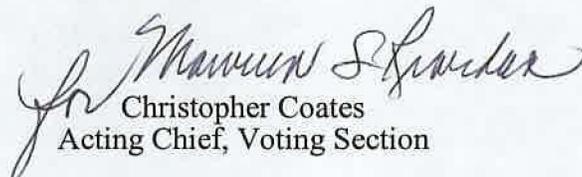
Ms. Marelyn Johnson
Town Clerk
P.O. Box 309
Margaret, Alabama 35112

Dear Ms. Johnson:

This refers to the annexation (Ordinance No. 07-1220) to the Town of Margaret in St. Clair County, Alabama, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on March 24, 2008.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Sincerely,


Christopher Coates
Acting Chief, Voting Section



RECEIVED
4-18-08

November 24, 2007

VIA: CERTIFIED MAIL

CHIEF VOTING SECTION
CIVIL RIGHTS DIVISION
ROOM 7254- NWB
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE NW
WASHINGTON, D.C.

DEAR SIR:

As required by Section 5 of the Voting Rights Act, I am enclosing for the approval of the Justice Department a copy of Ordinance # 07-1120 of the Town of Margaret, Alabama providing for the annexation of land into the Town of Margaret, Alabama. This Ordinance was approved on November 20, 2007 the following us submitted.

- (a) A copy of the ordinance
- (b) Voting will not be changed in that this additional territory will be added to the Town. No registered voters will be added.
- (c) The change noted above is readily apparent on the face of the ordinance.
- (d) Marelyn Johnson, Town Clerk, Town of Margaret, 125 School Street
Margaret, Alabama 35112

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired!
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Chief Voting Section
 Civil Rights Division
 Room 7254-NWB Dept. of Justice
 950 Pennsylvania Ave NW
 Washington, D.C. 20530

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Samuel A. Parker Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

MAR 24 2008

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

- (e) Town of Margaret Town Council
- (f) The Town of Margaret is located in St, Clair County, Alabama. The real estate

Annexed pursuant to the ordinance # 07-1120 is also located in St. Clair County, Alabama.

- (g) Town of Margaret Town Council, This Ordinance was accomplished by unanimous petition of all landowners who are contiguous to the Town of Margaret, Alabama, signed a petition requesting annexation to the Town Council of the Town of Margaret, Alabama pursuant to Section 11-42-20, Code of Alabama (1975), The petition was accepted by the Town of Margaret and was adopted which annexed the property into the Town.
- (h)
- (i) The change, which will be added the additional voters as set out herein, will Not be in force until approval is obtained from the Justice Department.
- (j) The change has not yet been enforced or administered.
- (k) The change will affect the entire jurisdiction of the Town of Margaret in the election of the Mayor in that the Mayor is elected at large. However, it will only affect the Council in the district in which the property was annexed by by adding no (0) registered voters in that Council district.
- (l) The reason for the annexation was the petition by the property owners whose property was contiguous to the Town of Margaret, Alabama for annexation.
- (m) The members of racial or language minority groups is not affected.
- (n) There is presently no litigation pending concerning the change or any related voting practices and, based upon information and belief, there has been no such past litigation.
- (o) Based upon information and belief, there has been no pre-clearance and the proposed change is not subject to the pre-clearance requirement.

Page 3

(p) Attached here to is a copy of the map which shows the land that was annexed

- (q)
1. The present and expected future use of the annexed land that is residential.
 2. There is no anticipated development.
 3. All prior annexation subject to the pre-clearance requirement have been submitted for review.

Should you have any questions concerning this correspondence or need additional information please do not hesitate to contact me.

Sincerely,

Marelyn Johnson
Town Clerk

ORDINANCE NO. 07-1218

AN ORDINANCE OF THE TOWN OF MARGARET
GRANTING A SEWER FRANCHISE TO
THE GOVERNMENTAL UTILITY SERVICES CORPORATION OF MOODY

BE IT ORDAINED by the Mayor and the Town Council of the Town of Margaret, Alabama, as follows:

1. The words "the Town" as used herein mean the Town of Margaret, in the State of Alabama, as it is now constituted and as it may hereafter be extended or enlarged.

2. The words the "PUBLIC SEWER CORPORATION" as used herein mean the Governmental Utility Services Corporation of Moody, a public corporation, its successors and assigns.

3. The words the "Margaret Sewer System" or the "Margaret System" as used herein mean the entire sanitary sewer system and treatment plant currently owned by Alabama Utility Services, LLC ("AUS") and located in the City of Margaret (which is anticipated to be sold or transferred to the Public Sewer Corporation), together with all improvements and appurtenances, all water storage facilities, riparian rights, standpipes, including plants, systems, facilities, pumping stations, pipelines, manholes, transmission mains, meters, service lines, hydrants, valves, fittings, collection lines, outfall lines, lift stations, treatment facilities and other, usual component parts of a sanitary sewer system related thereto, and further including, but not limited to, the collection system and trunk lines, which form a part of, or pertain to, the Margaret System; all permits, easements, rights-of-way, crossing agreements, contracts, privileges, immunities, franchises, and licenses which are used or are to be used by the Public Sewer Corporation in the operation of the Margaret System; together with all property, rights and privileges, whether real, personal or mixed, and whether tangible or intangible, that the Public Sewer Corporation may acquire during the Term of this Agreement as a part of, or as an improvement to, or extension of the Margaret System, and any extensions thereof and additions thereto. The Margaret System, as so defined, shall be owned by the Public Sewer Corporation.

4. Pursuant to Article XII, Section 228, Constitution of Alabama, 1901, and in accordance with the provisions hereof, there is hereby granted to the Public Sewer Corporation for a period of thirty (30) years, the right, privilege, authority, consent and franchise to acquire, own, maintain, construct, or enlarge within the Town a sanitary sewer collection system and a sanitary sewage treatment plant(s), or any of them, together with the right, privilege, authority, consent, and franchise to lay, construct and maintain pipes, mains and other conductors, fixtures and related appurtenances in, along, across and under the streets, avenues, alleys, public ways and other public places in the Town for the purpose of conveying and collecting sewage in and

through the Town, and to repair, renew, relay and extend such pipes, mains, conductors, fixtures and related appurtenances, and to make all excavations necessary therefor.

5. The Public Sewer Corporation shall, and by accepting this franchise agrees that it will, upon making any excavation of the streets, avenues, alleys, public ways, and other public places of the Town, restore the surface or paving at the point of such excavation in substantially the same condition as before such work was done, all as promptly as may be practical and within a reasonable length of time thereafter.

6. This franchise is not exclusive and the Town reserves the right to grant rights or franchises to others, and reserves its own right as a municipality to use the road rights of ways for the same or different purposes allowed the Public Sewer Corporation hereunder, by franchise, permit or otherwise.

7. The right, privilege, authority, consent, and franchise hereby granted may be exercised by the Public Sewer Corporation or any successors or assigns of the Public Sewer Corporation and may be assigned, mortgaged or conveyed in trust by the Public Sewer Corporation as security for any bonds or other obligations thereafter issued by it, all subject nevertheless to the conditions and obligations herein contained.

8. The Public Sewer Corporation (or any service Provider contracted by the Public Sewer Corporation to operate and maintain the Margaret System) shall pay to the Town a utility tax of three percent (3%) of the gross receipts of such service provider collected within the Town of Margaret.

9. The Public Sewer Corporation (or any service Provider contracted by the Public Sewer Corporation to operate and maintain the Margaret System) shall pay to the Town a royalty or special fee of three percent (3%) of the gross receipts of such service provider collected from the treatment of sewage originating outside the Town.

10. The initial Impact Fees to be charged for commercial and residential users upon the effective date of this Franchise shall be set by the Public Sewer Corporation, subject to the approval of the Town, such approval shall not be unreasonably withheld. (Note: A different impact fee may apply to certain existing customers (customer prior to January 1, 2008) in homes and apartments, where customers can provide a copy of a valid service agreement or contract with AUS.) The Public Sewer Corporation shall have the right to request an adjustment in the Impact Fee annually, subject to the approval of the Town (which approval shall not be unreasonably withheld) and subject to the limitations imposed in Section 12 of this Franchise, and the adjustment shall be applied uniformly to all similarly-situated Customers served by the Margaret Sewer System subject to any agreements on impact fees entered into by AUS prior to the grant of this franchise. The Impact Fee adjustment shall take into consideration the cost of materials for new Facilities, maintenance of the Facilities, and regulatory requirements or and requirements imposed by other agencies with the jurisdiction to impose such requirements.

11. The initial User Fees for the Margaret System to be charged for commercial and residential users upon the effective date of this Agreement shall be set by the Public Sewer Corporation and with the approval of the Town (such approval shall not be unreasonably withheld) and are attached hereto as Exhibit "B" and incorporated herein by reference. The Public Sewer Corporation shall have the right to request an adjustment in the User Fees annually, subject to the approval of the Town (which approval shall not be unreasonably withheld) and subject to the limitations imposed in Section 12 of this Franchise, and the adjustment shall be applied uniformly to all similarly-situated Customers served by the Margaret Sewer System. (Note: A different rate may apply to certain existing customers (customer prior to January 1, 2008) in homes and apartments, where customers can provide a copy of a valid service agreement or contract with AUS.) Subject to the limitation regarding reasonable rates set forth in Section 12 of this Franchise, any percentage change of User Fee increases during the period between the effective date of the last implemented increase, and the effective date of the next proposed increase shall be equal to or less than the percentage increase in CPI-U Southern Region, as reported by the U.S. Bureau of Labor Statistics for the same period (the "CPI Change"). This adjustment in User Fees may be implemented by the Public Sewer Corporation by giving notice to the Town with actual published CPI Change data.

12. The Margaret System shall be managed so as to ensure that impact fees and user fees are reasonable and not in excess of comparable charges for sewer systems in north-central Alabama. The parties further agree that such management is intended: (i) to ensure that the Facilities receive proper care and funding and (ii) to ensure that the environment and public health and safety are protected. The rate base for operation of the Facilities shall provide adequate funds to pay for routine operation, maintenance and management costs, as well as adequate capital replacement funds to replace equipment integral to the Facilities at the end of their normal design life.

13. All disputes arising under this Franchise, or any instrument, document or agreement attached hereto or referred to herein shall be resolved by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association. Arbitration shall be by a single arbitrator experienced in the matters at issue and selected jointly by the parties. If the parties are unable to reach an agreement as to the selection of an arbitrator, the arbitrator shall be selected in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The arbitration shall be held in such place in St. Clair County, Alabama as may be specified by the arbitrator (or at any other place agreed to by the parties and the arbitrator). The decision of the arbitrator shall be final and binding; provided, however, if necessary, such decision may be enforced by any court of record having jurisdiction over the subject matter and over the parties to this Agreement. All costs and expenses incurred in any arbitration proceeding (including reasonable attorneys' fees) shall be borne by the party against which the decision is rendered, or if no decision is rendered, such costs and expenses shall be borne equally by AUS and/or the Public Sewer Corporation and the Town. If the arbitrator's decision is a compromise, the determination of which party shall bear the costs and expenses incurred in connection with the arbitration proceeding shall be made by the arbitrator on the basis of the arbitrator's assessment of the relative merits of the parties' positions.

14. If the Public Sewer Corporation declines to expand or extend trunk or collection lines or to construct new or additional facilities, then the Town shall have the option to construct the additional Facilities, at its expense. In such case, the Town agrees to work in good faith with the Public Sewer Corporation in designing such expansion, which shall be constructed (including reimbursing to the Public Sewer Corporation all design costs incurred by the Public Sewer Corporation) by the Town at its expense and with such financing as it may secure.

15. The Town shall assist the Public Sewer Corporation in obtaining such land rights, including rights of way, easements, and leases on properties where such rights would facilitate an expansion of the Margaret System. The Town recognizes that certain Margaret System facilities and sewers are currently located in the right of way of roads which are maintained by the Town, St. Clair County or the State of Alabama and agrees to act on behalf of the Public Sewer Corporation in a timely manner to obtain approvals so that the Public Sewer Corporation can make repairs, improvements, or modifications to such Margaret System facilities and sewers, or to make borings, or expand the Margaret System for the public good. It is agreed that all costs associated with the procurement and maintenance during the term hereof of said land rights shall be borne by the Public Sewer Corporation, including, but not limited to surveys, title searches, attorney's fees, acquisition fees, annual rentals, and the like.

15. When this Franchise shall have been accepted by the Public Sewer Corporation, it shall constitute a contract between the Town and the Public Sewer Corporation.

16. All ordinances, resolutions and orders or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

17. The Mayor and all other officers of the Town are hereby authorized and directed to execute, deliver, seal and attest such other agreements, undertakings, documents and certificates and to take such other actions on behalf of the Town as may be necessary to consummate and carry out fully the transactions contemplated by this ordinance.

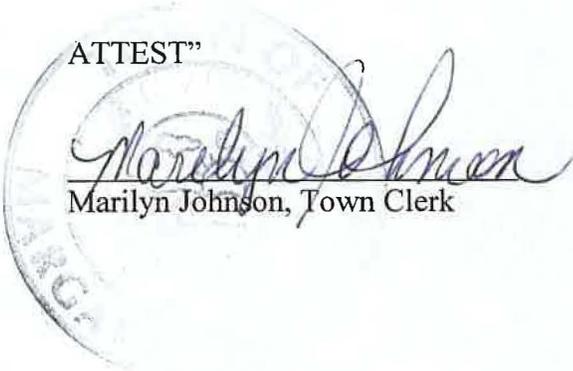
ORDAINED and ADOPTED this the 22 day of December, 2007.

THE TOWN OF MARGARET, ALABAMA


By: Jeffrey Wilson
Its: Mayor

ATTEST


Marilyn Johnson, Town Clerk



Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #07-1118(sewer franchise) was adopted by the Mayor and Town Council on December 22 , 2007 and that a copy of same was posted at the following three (3) places in the Town of Margaret on December 26, 2007.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

CERTIFICATION

I, Marilyn Johnson, Town Clerk of the Town of Margaret, Alabama, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 07-1218, as adopted by the Margaret Town Council at a meeting of the Town Council Meeting on the 22nd day of December, 2007.

Marilyn Johnson
Town Clerk



ORDINANCE NO. 08-422

**AN ORDINANCE OF THE TOWN OF MARGARET, ALABAMA, TO ADOPT A
REDISTRICTING PLAN AND CHANGE THE VOTING
DISTRICTS WITHIN THE CORPORATE LIMITS**

WHEREAS, Alabama Code § 11-43B-16 states that if, after the publication of a federal census, or due to an increase in population, any council district within the corporate limits has a deviation of more than 10% among its voting districts, then the council shall redistrict the boundaries of those districts; and

WHEREAS, the Code also states that each district shall contain as nearly as possible the same population, or not vary more than 5% from the average; and

WHEREAS, due to a recent flood of growth in the Town of Margaret, the Town Council determined that the two multi-member voting districts as constituted in the corporate limits of the Town of Margaret, had experienced population shifts such that its voting districts violate Alabama Code § 11-43B-16, as well as similar requirements in the Federal Voting Rights Act; and

WHEREAS, the Town Council has drawn new boundaries for the voting districts in the Town of Margaret in order to comply with federal and state law; and

WHEREAS, the Town of Margaret has determined that the proposed redistricting plan meets the federal and state guidelines, in that where possible the new districts have less than a five percent (5%) deviation from the average; and

WHEREAS, a Public Meeting must be held in order for interested parties to voice any objection they may have to the Redistricting Plan.

BE IT THEREFORE ORDAINED by the Town Council of the Town of Margaret, Alabama, that the Town of Margaret hereby adopts the Redistricting Plan as represented on the drawing referenced as Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER ORDAINED by the Town Council of the Town of Margaret, Alabama, that in accordance with the above-referenced Redistricting Plan the geographical boundaries of the election districts are hereby established in accordance with the drawing referenced as "Exhibit A" attached hereto and incorporated herein by reference.

BE IT FURTHER ORDAINED by the Town Council of the Town of Margaret, Alabama, that all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

BE IT FURTHER ORDAINED by the Town Council of the Town of Margaret, Alabama, that this ordinance shall become effective as provided by law after passage, approval and publication.

ORDAINED, ADOPTED and APPROVED this the ____ day of April, 2008.

TOWN OF MARGARET, ALABAMA

By: Jeffrey Wilson
Jeffrey Wilson, Mayor

ATTEST:

Marelyn Johnson
Marelyn Johnson, Town Clerk

2008 10134
Recorded in the Above
DEED Book & Page
08-20-2008 09:33:27 AM

BE IT FURTHER ORDAINED by the Town Council of the Town of Margaret, Alabama, that this ordinance shall become effective as provided by law after passage, approval and publication.

ORDAINED, ADOPTED and APPROVED this the 22nd day of April, 2008.

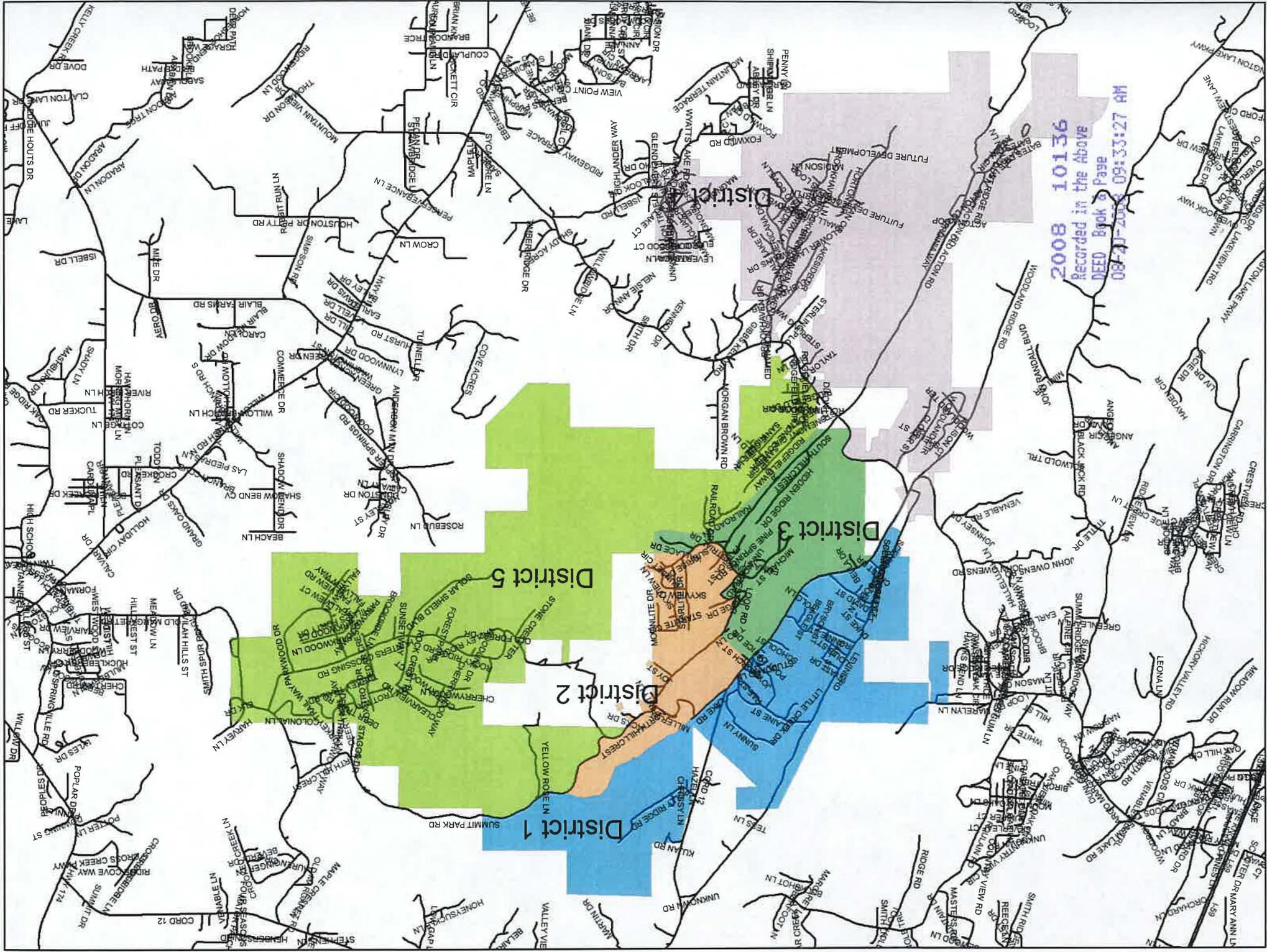
TOWN OF MARGARET, ALABAMA

By: Jeffrey Wilson
Jeffrey Wilson, Mayor

ATTEST:

Marelyn Johnson
Marelyn Johnson, Town Clerk

2008 10135
Recorded in the Above
DEED Book & Page
08-20-2008 09:33:27 AM



2008 10136
Recorded in the Above
DEED Book & Page
08/27/2008 09:33:27 AM

2008 10137
Recorded in the Above
DEED Book & Page
08-20-2008 09:33:27 AM

Clerk's Certificate

I, Marelyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing was adopted by the Mayor and Town Council on April 22, 2008 and that a copy of same was posted at the following three (3) places in the Town of Margaret on April 29, 2008.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall



U.S. Department of Justice

Civil Rights Division

CC:MSR:RT:maf
DJ 166-012-3
2008-2499
2008-3500

Voting Section - NWB.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

July 25, 2008

2008 10138
Recorded in the Above
DEED Book & Page
08-20-2008 09:33:27 AM
Wallace Wyatt Jr - Probate Judge
St. Clair County, Alabama
Book/Pg: 2008/10133
Term/Cashier: N RECORD3 / ANYI
Tran: 4766.133195.202574
Recorded: 08-20-2008 09:34:32
CER Certification Fee 1.00
PJF Special Index Fee 5.50
REC Recording Fee 18.00
Total Fees: \$ 24.50

Billy R. Weathington, Jr., Esq.
Weathington, Moore & Weisskopf
P.O. Box 310
Moody, Alabama 35004

Dear Mr. Weathington:

This refers to the change in the method of election from two multi-member districts to five single-member districts, the 2008 redistricting plan, and the change in voting method for the Town of Margaret in St. Clair County, Alabama, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on June 20 and 26, 2008; supplemental information was received through July 22, 2008.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Sincerely,

Christopher Coates
Chief, Voting Section

Ordinance # 08-506
Ordinance Setting Qualifications Fees

BE IT ORDAINED BY THE TOWN OF MARGARET, ALABAMA AS
FOLLOWS:

Section 1. A qualifications fee in the amount of \$ 50.00 is hereby fixed and imposed upon all candidates seeking election as Mayor of the Town of Margaret, Alabama, except as hereinafter provide for.

Section 2. A qualifications fee in the amount of \$ 50.00 is hereby fixed and imposed upon all candidates seeking election as Council Member of the Town of Margaret, Alabama, except as hereinafter provided for.

Section 3. Such qualifications fee shall be paid to the Town clerk and deposited to the general fund of the town at or prior to the time of taking out qualifications papers by any such candidates.

Section 4. Any person desiring to qualify who is not financial able to pay the required fee may qualify provided such prospective candidates furnished the clerk with an affidavit stating he/she is financially unable to pay the required fee fixed by this Ordinance.

Section 5. This Ordinance is adopted pursuant to Section 11-46-2 of the Alabama Code of 1975 and shall be effective in all elections, both general and special, for aforesaid offices from and after the date of adoption.

ADOPTED AND APPROVED THIS THE 6th DAY OF May,
2008.


Jeffrey Wilson, Mayor

Attest:


Marelyn Johnson, Town Clerk

Clerk's Certificate

I, Marelyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance#08-506 __ was adopted by the Mayor and Town Council on May 7 and that a copy of same was posted at the following three (3) places in the Town of Margaret on May 7, 2008.

1. Lee's Country Store

2. Margaret Post Office

3. Margaret Town Hall

ORDINANCE # 08-521

BE IT ORDAINED BY THE COUNCIL OF MARGARET, ALABAMA, that the order of procedure in all instances for meetings of the council shall be as follows:

Section 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the council of Margaret, Alabama.

Section 2. Regular meeting of the council shall be held on the following dates the first and third Tuesdays of each month.

Section 3. Special meetings may be held at the call of the presiding officer by serving notice on each member of the council not less than 24 hours before the time set for such special meetings; or special meetings may be held as provided by Section 11-43-50, Code of Alabama, 1975, whenever two council members (or the Mayor) making the request in writing shall have the right to call such meeting. Notice of all special meetings shall be posted on a bulletin board accessible to the public at least 24 hours prior to such meeting.

Section 4. A quorum shall be determined as provided by Section 11-43-48, Code of Alabama. The number of members required to make a quorum does not change when a council has vacancies. Council members who are present at a council meeting that have a conflict of interest on a particular issue can be counted for purposes of making a quorum even though they cannot vote on a particular issue.

Section 5. All regular meeting shall convene at 7:00 o'clock p.m. at the town hall and all meeting, regular and special, shall be open to the public.

Section 6. The order of business shall be as follows:

1. A call to order
2. Roll call
3. Reading and approval of the minutes of the previous meeting.
4. Reports of standing committees
5. Reports of special committees
6. Auditing accounts
7. Resolutions, ordinances, orders and other business.

Section 7. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 8. No person, not a member of the council, shall be allowed to address the same while in session without permission of the presiding officer.

Section 9. Every officer, whose duty it is to report at the regular meetings of the council, who shall be in default thereof, may be fined at the discretion of the council.

Section 10. Motions shall be reduced to writing when required by the presiding officer of the council or any member of the council. All resolutions and ordinances and any amendments thereto shall be in writing at the time of introduction.

Section 11. Motions to reconsider must be by a member who voted with a prevailing side and at the same or next succeeding meeting of the council.

Section 12. Whenever it shall be required by one or more members, the "yeas" and "nays" shall be recorded and any member may call for a division on any questions.

Section 13. All questions of order shall be decided by the presiding officer of the council with the right of appeal to the council by any member.

Section 14. The presiding officer of the council may, at his or her discretion, call any member to take the chair, allow him or her to address the council, make a motion or discuss any other matter at issue.

Section 15. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day and the largest sum shall be first put.

Section 16. All meetings of the council shall be open to the public, except when the council meets in executive session as authorized by state law.

Section 17. The council may meet in executive session only for those purposes authorized by state law. When a council member makes a motion to go into executive session for an enumerated purpose, the presiding officer shall put the motion to a vote. If the majority of the council shall vote in favor of the motion to go into executive session, the body shall then move into executive session to discuss the matter for which the executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.

Section 18. A motion for adjournment shall always be in order.

Section 19. The rules of the council may be amended in the same manner as any other ordinance of general and permanent order.

Section 20. The rules of the council may temporarily suspended by a vote of two-thirds of the members present.

Section 21. The chairperson of each respective committee, or the councilmember acting for him or her, shall submit reports to the council.

Section 22. All ordinances, resolution or propositions submitted to the council which require the expenditure of money shall lie over until the next meeting; provided, that such ordinances, resolutions, or propositions may be considered earlier by unanimous consent of the council; and provided further, that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers or wages of employees of the town.

Section 23. The clerk, engineer, attorney, chief of police and such other officer of or employees of the Town of Margaret, shall, when requested, attend all meeting of the council and shall remain in the council room for such length of time as the council may direct.

Section 24. No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent be obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the vote thereon spread on the minutes

Section 25. **Robert's Rules of Order** is hereby adopted as the rules of procedure for this council in those situations which cannot be resolved by the rules set out in this ordinance.

Section 26. This ordinance shall go into effect upon the passage and publication as required by law.

Ordinance # 08-521
Page 4

Approved this the 21st day of May, 2008

Judy Wilson
Mayor



Attest:

Marilyn Johnson
Town Clerk

Clerk's Certificate

I, Marilyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #08-521 was posted on May 28, 2008, at the following three (3) places in the Town of Margaret, Alabama.

1. Town Hall

2. Margaret Post Office

3. Dew Drop In

RESOLUTION NO. 08-113

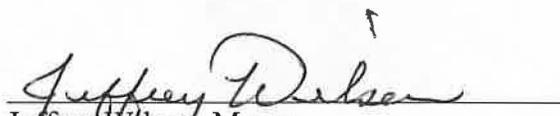
BE IT RESOLVED BY THE TOWN COUNCIL, of the Town of Margaret, Alabama in the State of Alabama, as follows:

Section 1. That Marelyn Johnson an employee, continue as Town Clerk for the Town of Margaret upon basis of compensation hereafter existing, and may hereafter be altered; that the said Marelyn Johnson is also elected and continued as Town Treasurer without compensation for serving in such capacity. Bond for \$25,000.00 with corporate surety to be approved by the Mayor, which may be combination bond for both offices, shall be required.

Section 2. That all classified officers and employees of the Town of Margaret, so designated, are continued by virtue of law; that all other officers and employees of the Town; are hereby continued in such positions upon the terms, and upon the basis of compensation heretofore existing as may be hereafter modified, such to serve at the will of the Town Council, or its designee.

Section 3. That pursuant to Act 324 of the 1965 Regular Session of the Legislature of Alabama, the Mayor is hereby designated as the Appointing Authority for all classified employees there under, other than Department Heads, the Town Council reserved to itself the power of appointment to such positions and designated the Mayor Appointing authority for such positions for all other purposes there under.

Adopted this the 3rd Day of November, 2008


Jeffrey Wilson, Mayor

Attest:


Marelyn Johnson
Town Clerk

Clerk's Certificate

I, Marelyn Johnson, clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #08-113 was posted on November 3, 2008
At the following three places in the Town of Margaret, Alabama.

1. Margaret Town Hall

2. Margaret Post Office

3. Lee's Country Store

Marelyn Johnson

ORDINANCE # 08-114

BE IT ORDAINED BY THE COUNCIL OF MARGARET, ALABAMA, that the order of procedure in all instances for meetings of the council shall be as follows:

Section 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the council of Margaret, Alabama.

Section 2. Regular meeting of the council shall be held on the 1st Monday of each month, at 7:00 p.m, and workshop will be on the 1st Monday at 6:00 p.m.

Section 3. Special meetings may be held at the call of the presiding officer by serving notice on each member of the council not less than 24 hours before the time set for such special meetings; or special meetings may be held as provided by Section 11-43-50, Code of Alabama, 1975, whenever two council members (or the Mayor) making the request in writing shall have the right to call such meeting. Notice of all special meetings shall be posted on a bulletin board accessible to the public at least 24 hours prior to such meeting.

Section 4. A quorum shall be determined as provided by Section 11-43-48, Code of Alabama. The number of members required to make a quorum does not change when a council has vacancies. Council members who are present at a council meeting that have a conflict of interest on a particular issue can be counted for purposes of making a quorum even though they cannot vote on a particular issue.

Section 5. All regular meeting shall convene at 7:00 o'clock p.m. at the town hall and all meeting, regular and special, shall be open to the public.

Section 6. The order of business shall be as follows:

1. A call to order
2. Roll call
3. Reading and approval of the minutes of the previous meeting.
4. Reports of standing committees
5. Reports of special committees
6. Auditing accounts
7. Resolutions, ordinances, orders and other business.

Section 7. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 8. No person, not a member of the council, shall be allowed to address the same while in session without permission of the presiding officer.

Section 9. Every officer, whose duty it is to report at the regular meetings of the council, who shall be in default thereof, may be fined at the discretion of the council.

Section 10. Motions shall be reduced to writing when required by the presiding officer of the council or any member of the council. All resolutions and ordinances and any amendments thereto shall be in writing at the time of introduction.

Section 11. Motions to reconsider must be by a member who voted with a prevailing side and at the same or next succeeding meeting of the council.

Section 12. Whenever it shall be required by one or more members, the "yeas" and "nays" shall be recorded and any member may call for a division on any questions.

Section 13. All questions of order shall be decided by the presiding officer of the council with the right of appeal to the council by any member.

Section 14. The presiding officer of the council may, at his or her discretion, call any member to take the chair, allow him or her to address the council, make a motion or discuss any other matter at issue.

Section 15. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day and the largest sum shall be first put.

Section 16. All meetings of the council shall be open to the public, except when the council meets in executive session as authorized by state law.

Section 17. The council may meet in executive session only for those purposes authorized by state law. When a council member makes a motion to go into executive session for an enumerated purpose, the presiding officer shall put the motion to a vote. If the majority of the council shall vote in favor of the motion to go into executive session, the body shall then move into executive session to discuss the matter for which the executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.

Section 18. A motion for adjournment shall always be in order.

Section 19. The rules of the council may be amended in the same manner as any other ordinance of general and permanent order.

Section 20. The rules of the council may temporarily suspended by a vote of two-thirds of the members present.

Section 21. The chairperson of each respective committee, or the councilmember acting for him or her, shall submit reports to the council.

Section 22. All ordinances, resolution or propositions submitted to the council which require the expenditure of money shall lie over until the next meeting; provided, that such ordinances, resolutions, or propositions may be considered earlier by unanimous consent of the council; and provided further, that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers or wages of employees of the town.

Section 23. The clerk, engineer, attorney, chief of police and such other officer of or employees of the Town of Margaret, shall, when requested, attend all meeting of the council and shall remain in the council room for such length of time as the council may direct.

Section 24. No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent be obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the vote thereon spread on the minutes

Section 25. **Robert's Rules of Order** is hereby adopted as the rules of procedure for this council in those situations which cannot be resolved by the rules set out in this ordinance.

Section 26. This ordinance shall go into effect upon the passage and publication as required by law.

Approved this the 3rd day of November, 2008

Jeffrey Wilson
Mayor

Attest:

Marilyn Johnson
Town Clerk

Clerk's Certificate

I, Marelyn Johnson, clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #08-114 was posted on November 7, 2008
At the following three places in the Town of Margaret, Alabama.

1. Margaret Town Hall

2. Margaret Post Office

3. Lee's Country Store

Marelyn Johnson

Amendment
Ordinances 10-2013

BE TO ORDAINED BY THE CITY OF MARGARET, ALABAMA
That the order of procedure in all instances for meeting of the council shall be as follows:

Section 1: Regular meeting of the council shall be held on the 1st and 3Rd Tuesday of each month at 7:00 p.m., and workshop will be on the 1st and 3rd Tuesday at 6:00p.m.

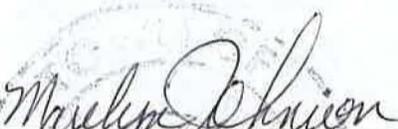
Section 2: This Ordinance shall go in effect upon the passage and publication as required by law.

Adopted and approved this the 5th day of November, 2013

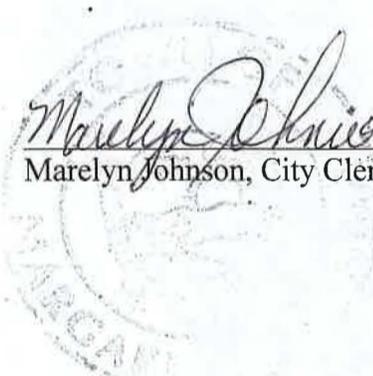


Isaac Howard, Mayor

Attest:



Marelyn Johnson, City Clerk



State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Amendment of the City of Margaret, the original of which is on file in the Ordinance book in my custody. (4) the form of Amendment #10-2013 set forth in such is a complete copy of such Amendent is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Amendent was posted on November 5, 2013 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 5th day of November, 2013.


Clerk of the City of Margaret, Alabama

RESOLUTION #08-116

BE IT RESOLVED BY THE TOWN COUNCIL, of the Town of Margaret,
Alabama in the State of Alabama, as Follows:

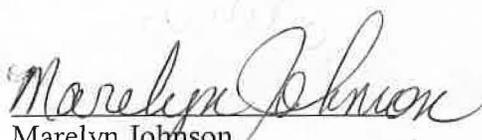
Section 1. That all funds of the Town of Margaret stay in the accounts that are in
place.

Section 2. That all signatures on the municipal funds accounts remain the same.

ADOPTED AND APPROVED THIS THE 3RD DAY OF NOVEMBER,
2008.


Jeffrey Wilson, Mayor

Attest:


Marelyn Johnson
Town Clerk

Clerk's Certificate

I, Marelyn Johnson, clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #08-116 was posted on November 7, 2008
At the following three places in the Town of Margaret, Alabama.

1. Margaret Town Hall

2. Margaret Post Office

3. Lee's Country Store

Marelyn Johnson

ORDINANCE NO. 08-422

AN ORDINANCE OF THE TOWN OF MARGARET, ALABAMA, TO ADOPT A
REDISTRICTING PLAN AND CHANGE THE VOTING
DISTRICTS WITHIN THE CORPORATE LIMITS

WHEREAS, Alabama Code § 11-43B-16 states that if, after the publication of a federal census, or due to an increase in population, any council district within the corporate limits has a deviation of more than 10% among its voting districts, then the council shall redistrict the boundaries of those districts; and

WHEREAS, the Code also states that each district shall contain as nearly as possible the same population, or not vary more than 5% from the average; and

WHEREAS, due to a recent flood of growth in the Town of Margaret, the Town Council determined that the two multi-member voting districts as constituted in the corporate limits of the Town of Margaret, had experienced population shifts such that its voting districts violate Alabama Code § 11-43B-16, as well as similar requirements in the Federal Voting Rights Act; and

WHEREAS, the Town Council has drawn new boundaries for the voting districts in the Town of Margaret in order to comply with federal and state law; and

WHEREAS, the Town of Margaret has determined that the proposed redistricting plan meets the federal and state guidelines, in that where possible the new districts have less than a five percent (5%) deviation from the average; and

WHEREAS, a Public Meeting must be held in order for interested parties to voice any objection they may have to the Redistricting Plan.

BE IT THEREFORE ORDAINED by the Town Council of the Town of Margaret, Alabama, that the Town of Margaret hereby adopts the Redistricting Plan as represented on the drawing referenced as Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER ORDAINED by the Town Council of the Town of Margaret, Alabama, that in accordance with the above-referenced Redistricting Plan the geographical boundaries of the election districts are hereby established in accordance with the drawing referenced as "Exhibit A" attached hereto and incorporated herein by reference.

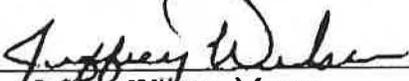
BE IT FURTHER ORDAINED by the Town Council of the Town of Margaret, Alabama, that all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

BE IT FURTHER ORDAINED by the Town Council of the Town of Margaret, Alabama, that this ordinance shall become effective as provided by law after passage, approval and publication.

ORDAINED, ADOPTED and APPROVED this the 22nd day of April, 2008.

TOWN OF MARGARET, ALABAMA

By:


Jeffrey Wilson, Mayor

ATTEST:


Marelyn Johnson, Town Clerk

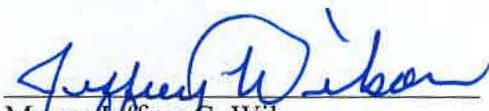
Ordinance #: 09-01-05

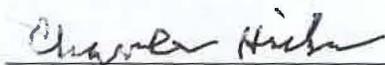
**AN ORDINANCE OF THE MUNICIPALITY OF
MARGARET, ALABAMA**

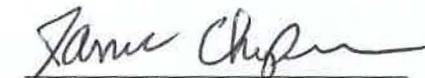
To repeal Ordinance #: 20204

- Section 1** Ordinance #: 20204 was duly passed by the Municipal Council of Margaret, Alabama.
- Section 2** Ordinance #: 20204 no longer serve as a valid purpose as to Fire Protection within the municipal limits of Margaret, Alabama.
- Section 3** Ordinance #: 20204 is hereby repealed in its entirety.
- Section 4** Upon posting, as required by law, this ordinance shall become effective on the 23rd day of January 2009.
- Section 5** This ordinance shall be a permanent, general ordinance of the municipality of Margaret, Alabama.

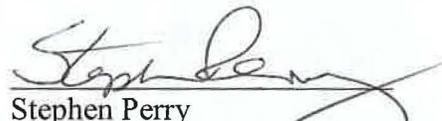
Done and so ordered on this the 5th day of January 2009.

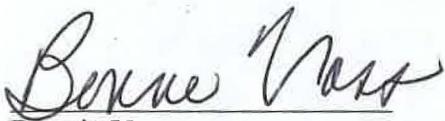

Mayor Jeffrey G. Wilson


Charles Hicks
Mayor Pro-Tem


James Chapman
Councilman


Daryl McIntyre
Councilman


Stephen Perry
Councilman


Bonnie Voss
Councilwoman

Attest: 
Marellyn Johnson, Municipal Clerk



State of Alabama
St Clair County
Town of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the Town of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on its behalf, (3) the foregoing pages constitute a complete Ordinance of the Town of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #09-01-05 set forth in such is a complete copy of such Ordinance is in full force and effect and has not been repealed amended or changed., (6) a true and correct copy of Ordinance was posted on January 7, 2009 at the following places in the Town of Margaret:

- (a) Margaret Town Hall
- (b) United States Post Office in the Town
- (c) Margaret Fire Station #1

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 7th day of January 2009.



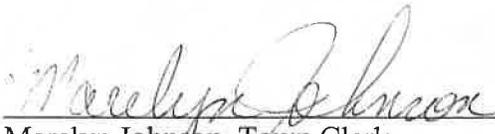
Clerk of the Town of Margaret, Alabama



January 5, 2009

On Monday, January 5, 2009 I was given three ordinances by Tom Dixon Jr., these ordinances were for the fire department, Ordinance #09-01-05 Repealing Ordinance #20204, Ordinance 09-01-05A, rules and regulations for the fire department, Ordinance #09-01-5B, appointing Tom Dixon, Jr. as fire chief for the Town of Margaret.

I, Town Clerk for the Town of Margaret, did not compose these ordinances.

 1-5-09
Marelyn Johnson, Town Clerk

**AN ORDINANCE GRANTING A SEWER FRANCHISE TO
ADENUS**

BE IT ORDAINED by the Mayor and the Town Council of the Town of Margaret, Alabama, as follows:

1. The words "the Town" as used herein mean the Town of Margaret, in the State of Alabama, as it is now constituted and as it may hereafter be extended or enlarged.

2. The words the "ADENUS" as used herein mean ADENUS Management Solutions, LLC, a limited liability company, its successors and assigns.

3. That pursuant to Article XII, Section 228, Constitution of Alabama, 1901, and in accordance with the provisions hereof, there is hereby granted to ADENUS for a period of thirty (30) years, the right, privilege, authority, consent and franchise to acquire, own, maintain, construct, or enlarge within the Town a sanitary sewer collection system and a sanitary sewage treatment plant(s), or any of them, together with the right, privilege, authority, consent, and franchise to lay, construct and maintain pipes, mains and other conductors, fixtures and related appurtenances in, along, across and under the streets, avenues, alleys, public ways and other public places in the Town for the purpose of conveying and collecting sewage in and through the Town, and to repair, renew, relay and extend such pipes, mains, conductors, fixtures and related appurtenances, and to make all excavations necessary therefor.

4. That ADENUS shall, and by accepting this franchise agrees that it will, upon making any excavation of the streets, avenues, alleys, public ways, and other public places of the Town, restore the surface or paving at the point of such excavation in substantially the same condition as before such work was done, all as promptly as may be practical and within a reasonable length of time thereafter.

5. That this franchise is not exclusive and the Town reserves the right to grant rights or franchises to others, and reserves its own right as a municipality to use the road rights of ways for the same or different purposes allowed ADENUS hereunder, by franchise, permit or otherwise.

6. If ADENUS declines to expand or extend trunk or collection lines or to construct new or additional facilities, then the Town shall have the option to construct the additional Facilities, at its expense. In such case, the Town agrees to work in good faith with ADENUS in designing such expansion, which shall be constructed (including reimbursing to ADENUS all design costs incurred by ADENUS) by the Town at its expense and with such financing as it may secure. Once constructed, the facilities shall become the property of ADENUS.

7. That ADENUS or any service provider contracted by ADENUS to operate and

maintain the sewer system, or any part thereof, shall pay to the Town a utility tax of three percent (3%) of the service provider's gross revenues derived from the operation of the sewer system.

8. That when this Franchise shall have been accepted by ADENUS, it shall constitute a contract between the Town and ADENUS.

9. That all ordinances, resolutions and orders or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

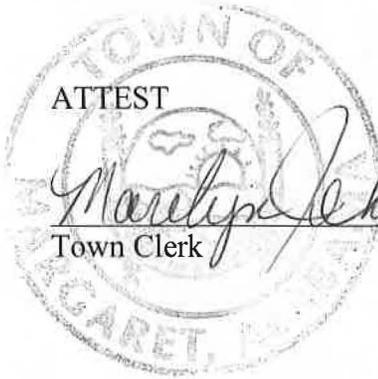
10. The Mayor and all other officers of the Town are hereby authorized and directed to execute, deliver, seal and attest such other agreements, undertakings, documents and certificates and to take such other actions on behalf of the Town as may be necessary to consummate and carry out fully the transactions contemplated by this ordinance.

ORDAINED and ADOPTED this the 1st day of June, 2009.

THE TOWN OF MARGARET, ALABAMA


By: Jeff Wilson
Its: Mayor

ATTEST

Town Clerk


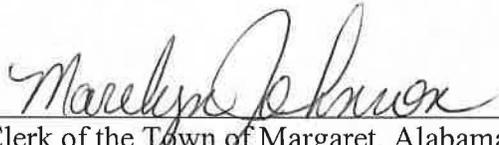
State of Alabama
St Clair County
Town of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the Town of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the Town of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #09-601 set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on June 6, 2009 at the following places in the Town of Margaret:

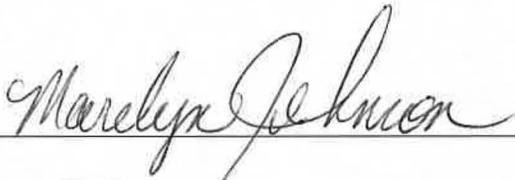
- (a) Margaret Town Hall
- (b) United States Post Office in the Town
- (c) Lee's Country Store

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 7th day of June 2009.


Clerk of the Town of Margaret, Alabama

CERTIFICATION

I, Marelyn Johnson, Town Clerk of the Town of Margaret, Alabama hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 09-601, as adopted by the Margaret Town Council at a meeting of the Town Council Meeting on 1st day of June, 2009.

A handwritten signature in cursive script that reads "Marelyn Johnson". The signature is written in dark ink and is positioned above a horizontal line.

Town Clerk

AN ORDINANCE TO ESTABLISH A NO PARKING ZONE AND TO PROVIDE
A PENALTY FOR THE VIOLATION THEREOF

BE IT ORDAINED by the Town Council of the Town of Margaret, Alabama, as follows:

1. It shall be unlawful to park a vehicle on either side of Old Acton Road from the corporate limits of the Town of Margaret, Alabama, north to the intersection of Old Action Road and Sanie Road, at all times.

2. Any violation of the provisions of this ordinance shall be punishable by a fine of One hundred Dollars (\$100.00).

3. Whenever any police officer shall find a vehicle parked in violation of the provisions of this ordinance, he/she is hereby authorized to require the driver or person in charge of such vehicle to remove such vehicle or to have such vehicle towed in and the charges of said towing and any storage charges shall be assessed against the driver and/or owner of said vehicle.

4. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

5. That this ordinance shall become effective as provided by law after passage, approval and publication.

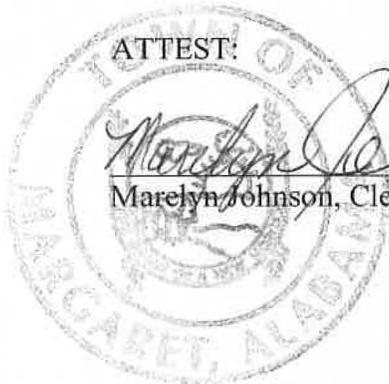
ORDAINED, ADOPTED and APPROVED this the 1st day of June, 2009.

THE TOWN OF MARGARET, ALABAMA


Jeff Wilson, Mayor

ATTEST:

Marellyn Johnson, Clerk



CERTIFICATION

I, Marelyn Johnson, Town Clerk of the Town of Margaret, Alabama hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 09-601A, as adopted by the Margaret Town Council at a meeting of the Town Council Meeting on 1st day of June, 2009.

A handwritten signature in cursive script, reading "Marelyn Johnson", is written over a horizontal line.

Town Clerk

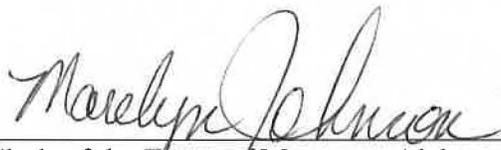
State of Alabama
St Clair County
Town of Margaret

Clerk's Certificate

!, the undersigned, do hereby certify that: (1) am duly qualified clerk of the Town of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the Town of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #09-601A set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on June 6, 2009 at the following paces in the Town of Margaret:

- (a) Margaret Town Hall
- (b) United States Post Office in the Town
- (c) Lee's Country Store

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 7th day of June 2009.



Clerk of the Town of Margaret, Alabama

FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal/Riverine Communities

#2010-03-01

ARTICLE 1

Statutory Authorization, Findings of Fact, Purpose And Objectives

SECTION A **STATUTORY AUTHORIZATION**

The Legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24, Chapter 45, Sections 1-11, Chapter 52, Sections 1-84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Margaret, of Margaret, Alabama, does ordain as follows:

SECTION B **FINDINGS OF FACT**

- (1) The flood hazard areas of Margaret, Alabama are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

SECTION C **STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion
- (3) control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- (4) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;

- (5) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

SECTION D OBJECTIVES

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) to minimize expenditure of public money for costly flood control projects;
- (5) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) to minimize prolonged business interruptions, and;
- (7) to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2

GENERAL PROVISIONS

SECTION A LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of Margaret, Alabama.

SECTION B BASIS FOR AREA OF SPECIAL FLOOD HAZARD

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its **Flood Insurance Study (FIS), dated 11-26-2010**, with accompanying maps and other supporting data **and any revision thereto**, are adopted by reference and declared a part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for St. Clair County are hereby adopted by reference. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

SECTION C: ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any Development activities.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted or altered without **full compliance** with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Town of Margaret, Alabama or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION H. PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than **\$500.00** or imprisoned for not more than **30** days, or both, and in addition, shall pay all costs and expenses involved in the case: Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Margaret, Alabama from taking such other lawful actions as is necessary to prevent or remedy any violation.

SECTION I. SAVINGS CLAUSE

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be noncompliant with 44 Code of Federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 3

ADMINISTRATION

SECTION A DESIGNATION OF ORDINANCE ADMINISTRATOR

The Town of Margaret Public Works is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B PERMIT PROCEDURES

Application for a Development Permit shall be made to the Public Work's Manager on forms furnished by the community **PRIOR** to any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

- (1) Application Stage -
 - (a) Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
 - (b) Elevation in relation to mean sea level to which any non-residential structure will be flood proofed;
 - (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Sections B(2) and E(2);
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

- (2) Construction Stage -

For all new construction and substantial improvements, the permit holder shall provide to the Public Works Manager an as-built certification of the regulatory floor elevation or flood-proofing level **using appropriate FEMA elevation or flood-proofing certificate** immediately after the lowest floor or flood proofing is completed. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Public Works Manager shall review the above

referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C **DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

Duties of the Public Works Manager shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied; and, assure that sites are reasonably safe from flooding.
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2 Section B, then the Public Works Manager shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with Article 3 Section B(2) .
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, Sections B (2) and E (2).
- (6) When flood proofing is utilized for a structure, the Public Works Manager shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3(B)(1)(c) and Article 4(B)(2) or (E)(2).

- (7) Notify adjacent communities and the Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the Alabama Department of Economic and Community Affairs/Office of Water Resources/NFIP State Coordinator's Office.
- (8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA and State to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (9) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Public Works Manager shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Public Works Manager and shall be open for public inspection.

ARTICLE 4

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A GENERAL STANDARDS

In ALL Areas of Special Flood Hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) Elevated Buildings - All New construction and substantial improvements of existing structures that include **ANY fully enclosed area** located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters.

- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a **minimum of two openings** having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves and other coverings and devices provided they permit the automatic flow of floodwater in both directions.
 - (b) So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,
 - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (6) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
 - (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 - (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
 - (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non- conformity is not furthered, extended or replaced.

SECTION B **SPECIFIC STANDARDS**

In ALL Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required:

- (1) New construction and substantial improvements - Where base flood elevation data are available, new construction and substantial improvement of any structure or manufactured home **shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation.** Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A(4), "Elevated Buildings."

- (2) Non-Residential Construction - New construction and substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. **The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation,** with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C (6).

- (3) Standards for Manufactured Homes and Recreational Vehicles - Where base flood elevation data are available:
 - (a) All manufactured homes placed and substantially improved on: (i) individual lots or parcels, (ii) in new or substantially improved manufactured home parks or subdivisions, (iii) in expansions to existing manufactured home parks or subdivisions, or (iv) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement elevated no lower than one foot above the base flood elevation.

 - (b) Manufactured homes placed and substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or

- (ii) Where no Base Flood Elevation exists, the manufactured home chassis and supporting equipment is supported by reinforced piers or other foundation elements of at least equivalent strength and is elevated to a maximum of 60 inches (five feet) above grade.
- (c) All Manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Refer: Article 4, Section A)
- (d) All recreational vehicles placed on sites must either:
 - (i) Be on the site for fewer than 180 consecutive days, fully licensed and ready for highway use if it is licensed, on it's wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or
 - (ii) The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of Article 4 Section B (3)(a)(c), above.

(4)

STANDARDS FOR SUBDIVISIONS

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (d) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser.

Section C

Floodways

- (1) **Floodway:** Located within Areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
- (a) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
 - (b) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment **shall not result in any increase** in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;
 - (c) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of the Administrator.
 - (d) Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than **one foot** at any point within the community.
 - (e) **ONLY** if Article 4 (C)(1)(b), (c) or (d), above are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.

SECTION D

**BUILDING STANDARDS FOR STREAMS WITHOUT
ESTABLISHED BASE FLOOD ELEVATIONS (APPROXIMATE A-
ZONES)**

Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (Approximate A-Zones), the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Article 2(B), then the Public Works Manager shall obtain, review, and reasonably utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 4. ONLY if data are not available from these sources, then the following provisions (2&4) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) All development in Zone A must meet the requirements of Article 4, Section A and Section B (1) through (4).
- (4) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Also, in the absence of a base flood elevation, a manufactured home must also meet the elevation requirements of Article 4, Section B, Paragraph (3)(b)(ii) in that the structure must be elevated to a maximum of 60 inches (5 feet). Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A (4) "Elevated Buildings".

The Public Works Manager shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

SECTION E STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Areas of Special Flood Hazard established in Article 2, Section B, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM) above the highest adjacent grade. **If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least Two (2) feet above the highest adjacent grade.** Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A(4), "Elevated Buildings".

The Public Works Manager shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (2) New construction and the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. **The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level or two (2) feet (if no map elevation is listed), above highest adjacent grade,** with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Articles 3(B)(1)(c) and (3)(B)(2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

ARTICLE 5

VARIANCE PROCEDURES

- (A) The Town Council
- (B) The Town Council shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Public Works Manager in the enforcement or administration of this ordinance.
- (C) Any person aggrieved by the decision of the Town Council may appeal such decision to the Margaret Municipal Court, as provided in Code of Alabama, 1975.
- (D) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (G) In reviewing such requests, the Town Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- (H) Conditions for Variances:
 - (1) **A variance shall be issued ONLY when there is:**
 - (i) a finding of good and sufficient cause,
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and,
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (2) The provisions of this Ordinance are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (3) **Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.**
 - (4) The Public Works Manager shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.
- (I) Upon consideration of the factors listed above and the purposes of this ordinance, the Town Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

ARTICLE 6 **DEFINITIONS** (Note: * Indicates data must be inserted)

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".

"Appeal" means a request for a review of the Public Works Manager's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 2, Section B.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor sub grade (below ground level) on all sides.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or materials.

"Elevated building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, pilings, posts, columns, piers, or shear walls.

"Existing Construction" Any structure for which the "start of construction" commenced before _____ (a specific date). [i.e., the effective date of the FIRST floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before _____ (a specific date) . [i.e., the effective date of the FIRST floodplain management regulations adopted by a community].

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters; or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study"/ "Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodway" (Regulatory Floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facility that are necessary for the loading and unloading of cargo or passengers, and shipbuilding, and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic Structure" means any structure that is;

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

"Manufactured home" means a building, transportable in one or more section, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or other datum.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" means ANY structure (see definition) for which the "start of construction" commenced after adopted date and includes any subsequent improvements to the structure. [* i.e., the effective date of the FIRST floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)] and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after adopted date. [i.e., the effective date of the first floodplain management regulations adopted by a community].

"Repetitive Loss" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Recreational vehicle" means a vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy a violation" means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Section 1316: No new flood insurance shall be provided for any property which the Administrator finds has been declared by a duly constituted State or local zoning authority or other authorized public body, to be in violation of State or local laws, regulations or ordinances which are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

"Start of construction" means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. [Substantial damage also means flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Code of Federal Regulations (CFR) §44, Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) and corresponding parts of this ordinance is presumed to be in violation until such time as that documentation is provided.

ARTICLE 7: SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Ordinance adopted on 1st, March, 2010.

BY:

Jeffrey Wilson
Charles Nickles
Daryl D McHenry
Bonnie Voss
Steph Perry
Janice Clark

Certified by:

Marilyn Johnson

Date:

3-1-10



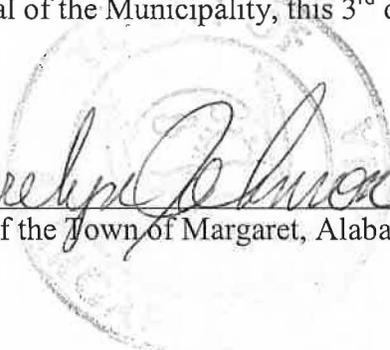
State of Alabama
St Clair County
Town of Margaret

Clerk's Certificate

!, the undersigned, do hereby certify that: (1) am duly qualified clerk of the Town of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the Town of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #2010-03-01 set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on March 3, 2010 at the following paces in the Town of Margaret:

- (a) Margaret Town Hall
- (b) United States Post Office in the Town
- (c) Flashtrack

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 3rd day of March, 2010.


Marelyn Johnson
Clerk of the Town of Margaret, Alabama

ORDINANCE 08-219

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MARGARET, ALABAMA AS FOLLOWS:

Section 1. That the salary of the Mayor of the Town of Margaret, Alabama shall be and the same is hereby fixed at the sum of \$250.00 per month and paid the 1st of each month.

Section 2. That each council member shall be compensated at the sum of \$25.00, per regular council meeting and will be paid quarterly per meeting attended.

Section 3. That the Mayor and Council members shall be compensated \$10.00 per workshop and will be paid quarterly per meeting attended.

Section 4. That the Mayor and Council members shall be compensated \$25.00 per special council meeting and will be paid quarterly per meeting attended.

Section 5. This Ordinance shall become effective on the First Monday in November, 2008, and shall continue in force and effect until repealed by action of the council.

Section 6. The provision of this ordinance are hereby declared severable; if any portion of this ordinance shall be held unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect the remaining portions of this ordinance.

ADOPTED AND APPROVED THIS THE 19th DAY OF February, 2008

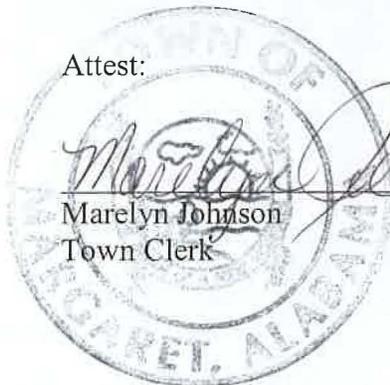


Jeffrey Wilson, Mayor

Attest:



Marelyn Johnson
Town Clerk



Clerk's Certificate

I, Marelyn Johnson clerk for the Town of Margaret, Alabama do hereby certify that the foregoing Ordinance #08-219(council fee) was adopted by the Mayor and Town Council on February 19 , 2008 and that a copy of same was posted at the following three (3) places in the Town of Margaret on February 20, 2008.

1. Lee's Country Store



2. Margaret Post Office

3. Margaret Town Hall

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARGARET, ALABAMA that the order of procedure in all instances for meetings of the council shall be as follows:

Section 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the council of Margaret, Alabama.

Section 2. Regular meeting of the council shall be held on the 1st and 3rd Monday of each month, at 7:00 p.m, and workshop will be on the 1st and 3rd Monday at 6:00 p.m.

Section 3. Special meetings may be held at the call of the presiding officer by serving notice on each member of the council not less than 24 hours before the time set for such special meetings; or special meetings may be held as provided by Section 11-43-50, Code of Alabama, 1975, whenever two council members (or the Mayor) making the request in writing shall have the right to call such meeting. Notice of all special meetings shall be posted on a bulletin board accessible to the public at least 24 hours prior to such meeting.

Section 4. A quorum shall be determined as provided by Section 11-43-48, Code of Alabama. The number of members required to make a quorum does not change when a council has vacancies. Council members who are present at a council meeting that have a conflict of interest on a particular issue can be counted for purposes of making a quorum even though they cannot vote on a particular issue.

Section 5. All regular meeting shall convene at 7:00 o'clock p.m. at the city hall and all meeting, regular and special, shall be open to the public.

Section 6. The order of business shall be as follows:

1. A call to order
2. Roll call
3. Reading and approval of the minutes of the previous meeting.
4. Reports of standing committees
5. Reports of special committees
6. Auditing accounts
7. Resolutions, ordinances, orders and other business.

Section 7. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 8. No person, not a member of the council, shall be allowed to address the same while in session without permission of the presiding officer.

Section 9. Every officer, whose duty it is to report at the regular meetings of the council, who shall be in default thereof, may be fined at the discretion of the council.

Section 10. Motions shall be reduced to writing when required by the presiding officer of the council or any member of the council. All resolutions and ordinances and any amendments thereto shall be in writing at the time of introduction.

Section 11. Motions to reconsider must be by a member who voted with a prevailing side and at the same or next succeeding meeting of the council.

Section 12. Whenever it shall be required by one or more members, the "yeas" and "nays" shall be recorded and any member may call for a division on any questions.

Section 13. All questions of order shall be decided by the presiding officer of the council with the right of appeal to the council by any member.

Section 14. The presiding officer of the council may, at his or her discretion, call any member to take the chair, allow him or her to address the council, make a motion or discuss any other matter at issue.

Section 15. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day and the largest sum shall be first put.

Section 16. All meetings of the council shall be open to the public, except when the council meets in executive session as authorized by state law.

Section 17. The council may meet in executive session only for those purposes authorized by state law. When a council member makes a motion to go into executive session for an enumerated purpose, the presiding officer shall put the motion to a vote. If the majority of the council shall vote in favor of the motion to go into executive session, the body shall then move into executive session to discuss the matter for which the executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.

Section 18. A motion for adjournment shall always be in order.

Section 19. The rules of the council may be amended in the same manner as any other ordinance of general and permanent order.

Section 20. The rules of the council may temporarily suspended by a vote of two-thirds of the members present.

Section 21. The chairperson of each respective committee, or the councilmember acting for him or her, shall submit reports to the council.

Section 22. All ordinances, resolution or propositions submitted to the council which require the expenditure of money shall lie over until the next meeting; provided, that such ordinances, resolutions, or propositions may be considered earlier by unanimous consent of the council; and provided further, that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers or wages of employees of the City.

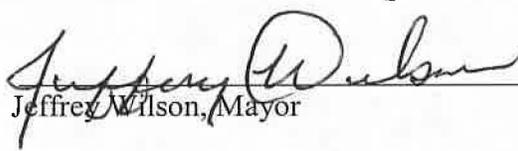
Section 23. The clerk, engineer, attorney, chief of police and such other officers of or employees of the City of Margaret, shall, when requested, attend all meeting of the council and shall remain in the council room for such length of time as the council may direct.

Section 24. No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent is obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the vote thereon spread on the minutes

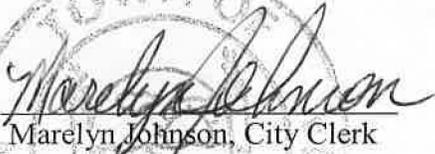
Section 25. Robert's Rules of Order is hereby adopted as the rules of procedure for this council in those situations which cannot be resolved by the rules set out in this ordinance.

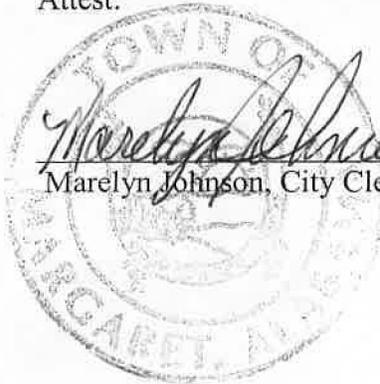
Section 26. This ordinance shall go into effect upon the passage and publication as required by law.

Approved this the 7th day of November, 2011


Jeffrey Wilson, Mayor

Attest:


Marelyn Johnson, City Clerk



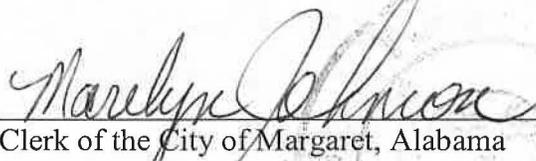
State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #11-1010B set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on November 8, 2011 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Flashtrack

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 8th day of November, 2011.


Clerk of the City of Margaret, Alabama



PETITION FOR ANNEXATION

TO: TOWN OF MARGARET, ALABAMA

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file with the Town Clerk this written petition asking and requesting that our property hereinafter described be annexed to the Town of Margaret, Alabama, under the authority of Sections 11-42-20 through 11-42-24, Code of Alabama 1975.

Said property is described in Exhibit "A: attached hereto and made a part hereof.

We further certify that said property is contiguous to the Town of Margaret, Alabama, and that none of the property lies within the corporate limits of another municipality. We further certify that all of the property included in the above description which lies within the police jurisdiction of both the annexing municipality and another municipality is located closer to the annexing municipality than to the other municipality as required by Section 11-42-21, Code of Alabama 1975.

We do hereby request that the Town Council and Town Clerk give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the Town of Margaret, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this the 19 day of September, 2000.

Marilyn Johnson
Notary

By: James H Moore



2011 9321
Recorded in the Above
DEED Book & Page
12-27-2011 10:00:30 AM
Mike Bowling - Judge of Probate
St. Clair County, Alabama

ORDINANCE # 11-1010

WHEREAS ON THE 10 th DAY OF October 2011 ,
ALL PROPERTY OWNERS,
James H Moore

Of the real property hereinafter described in Exhibit "A", which is attached hereto and incorporated herein
Buy reference, did file with the Town Clerk, a petition or petitions asking that the said tracts or parcels of
land to be annexed to and became part of the Town of Margaret; and

WHEREAS, said petition did contain the signatures of all the owners of the described territory
and a map of said property showing its relationship to the corporate limits of the Town of Margaret; and

WHEREAS. The governing body did determine that it is in the public interest that said property
be annexed to the Town of Margaret and it did further determine that all legal requirements for annexing
said real property have been met, pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama,
1975:

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
MARGARET, ALABAMA AS FOLLOWS;

Section 1. The council of the Town of Margaret, Alabama finds and declares as
the legislative body of the Town that it is in the best interest of the citizens of the Town, and the citizens of
the affected area, to bring the territory described in Section 2 of the Ordinance into the Town of Margaret.

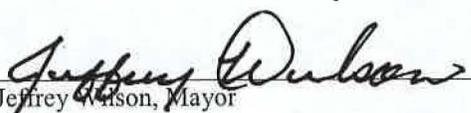
Section 2. The boundary lines of The Town of Margaret, Alabama be, and the
same are, hereby altered or rearranged so as to include all the territory heretofore encompassed by the
corporate limits of the Town of Margaret, and in addition thereto the following described territory, to-wit:
See Exhibit "A" attached hereto and make a part hereof

Section 3. That the property owners shall be responsible for the payment of all fire
dues, assessments or other charges, if any, whether previously, incurred, currently owned, or that may
become due in the future.

Section 4. This Ordinance shall be published as provided by law and a certified
copy of the petition of the property owners shall be filed with the Probate Judge of the County were
located.

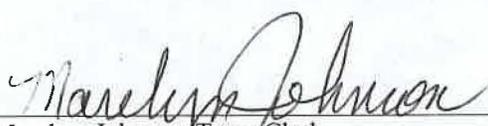
Section 5. The territory described in this Ordinance shall become a part of the corporate limits of the Town of Margaret, Alabama, upon publication of this Ordinance as set forth in Section 3. above.

ADOPTED AND APPROVED THIS THE 10th DAY OF October 2011 .



Jeffrey Wilson, Mayor

Attest:



Marelyn Johnson, Town Clerk

2011 9323
Recorded in the Above
DEED Book & Page
12-27-2011 10:00:30 AM

TOWN OF MARGARET
WATER DEPARTMENT
P.O. BOX 207
MARGARET, ALABAMA 35112
TELEPHONE (205) 629-7001

RIGHT OF ENTRY AGREEMENT

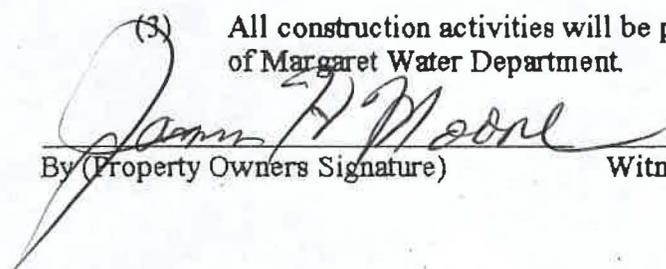
To Whom It May Concern:

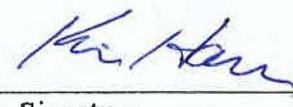
Permission is granted to The Town of Margaret Water Department, its agents and contractors to perform certain activities more specifically described as follows:

Installation of water mains and service lines in a field determined easement.

The activities performed on the Premises by The Town of Margaret Water Department are permitted hereunder on the following terms and conditions:

- (1) The Town of Margaret Water Department will leave the construction area consistent with its condition prior to the installation of water mains and service lines.
- (2) Upon completion of this construction, the easement will be 5 feet from the center line of the installed water main.
- (3) All construction activities will be performed in accordance with The Town of Margaret Water Department.


By (Property Owners Signature)


Witness Signature

Property Address

Witness Signature

Date

Dewey T. Bradley and wife Mary Third Bradley, Ray Gaskin and wife Ruby B. Gaskin, Truitt D. Bradley and wife Edith S. Bradley "Constituting all the heirs at law and spouses of Eliza A. Bradley, deceased" (herein referred to as Grantors) do grant, bargain, sell and convey unto James H. Moore (herein referred to as Grantee) the following described real estate, situated in St. Clair County, Alabama to-wit:



The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ except 12 acres South of the Seaboard Airline Railway right of way, Section 1, Township 16, Range 1, containing 28 acres more or less, mineral and mining rights reserved. Also commencing at a point 59 $\frac{1}{4}$ feet 30 degrees East from West boundary line at a point 231 feet South of NW corner of above quarter section 7, for the point of beginning, thence 52 degrees south of E 240 feet thence north 28 $\frac{1}{4}$ feet, thence 3 degrees north of West 34 $\frac{1}{4}$ feet to point of beginning containing one acre more or less and in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 7, Township 16, Range 2 East, mineral rights reserved. Also beginning at the North corner of Josh Perry's land and the NE corner of George McGuire's land on the West side of public road, thence along said road towards Sanie, Ala. 118 feet, thence West to Church corner lot 160 feet, thence South along Church line 180 feet to upper corner of Church, thence East 10 $\frac{1}{4}$ feet to Josh Perry land, thence along Josh Perry's land 147 feet to the public road, the point of beginning. Same being in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 7, Township 16 Range 2 East. Mineral rights reserved.

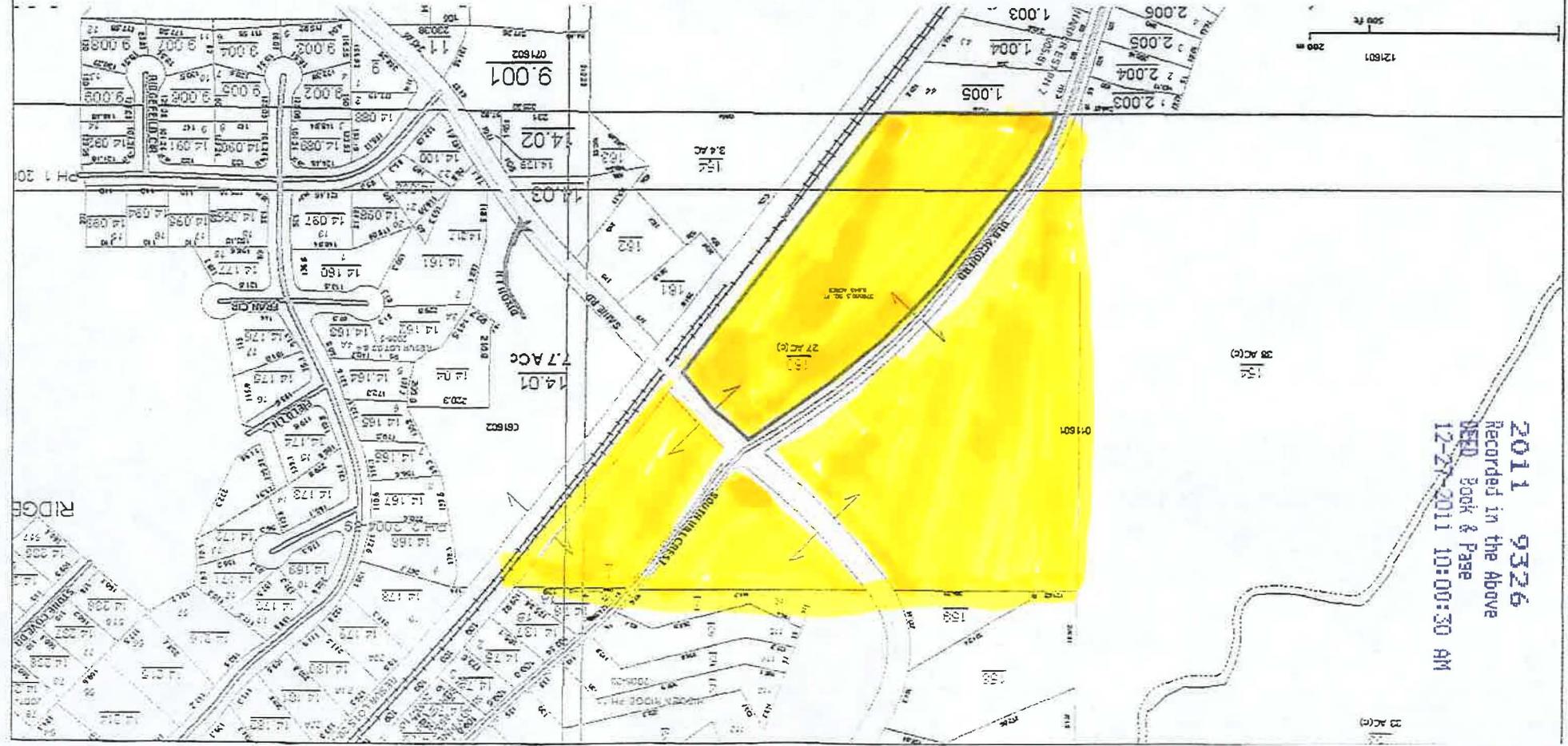
TO HAVE AND TO HOLD to the said James H. Moore and his heirs and assigns forever.

And we do, for ourselves and for our heirs, executors, and administrators covenant with the said James H. Moore, his heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances; that we have a good right to sell and convey the same as aforesaid; that we will and our heirs, executors and

2011 9325
Recorded in the Above
DEED Book & Page
12-27-2011 10:00:30 AM



Provided by the St. Clair County Revenue Commissioner
Mrs. Elizabeth Mealer
Maps to be used for tax purposes only -
Not to be used for conveyance.



2011 9326
Recorded in the Above
DEED Book & Page
12-27-2011 10:00:30 AM

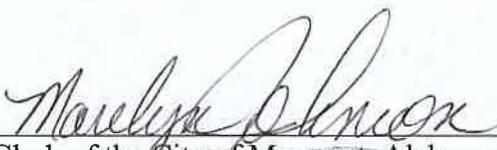
State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #11-1010 set forth in such is a complete copy of such Resolution is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Resolution was posted on October 11, 2011 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in the Town
- (c) Flashtrack

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 11th day of October, 2011.


Clerk of the City of Margaret, Alabama



2011 9327
Recorded in the Above
DEED Book & Page
12-27-2011 10:00:30 AM
Mike Bowling - Judge of Probate
St. Clair County, Alabama
Book/Pg: 2011/9321
Term/Cashier: N RECORD9 / ANY1
Tran: 6514;179389;265482
Recorded: 12-27-2011 10:01:25
CER Certification Fee 3.00
PTF Special Index Fee 5.50
REC Recording Fee 21.00
Total Fees: \$ 29.50



U.S. Department of Justice

Civil Rights Division

TCH:RSB:LB:SMC:tst
DJ 166-012-3
2011-4591

Voting Section - NWB
950 Pennsylvania Ave, NW
Washington, DC 20530

December 20, 2011

Ms. Marelyn Johnson
City Clerk
P.O. Box 309
Margaret, Alabama 35112

Dear Ms. Johnson:

This refers to the annexation (Ordinance No. 11-1010 (2011)), to the Town of Margaret in St. Clair County, Alabama, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on October 31, 2011.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Sincerely,


T. Christian Herren, Jr.
Chief, Voting Section

 RECEIVED
12-27-11

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Chief Voting Section
Civil Rights Division
Room 7254-NWB
Dept. of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

2. Article Number

(Transfer from service label)

7011 0110 0000 0804 8500

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

October 11, 2011

VIA: CERTIFIED MAIL

CHIEF VOTING SECTION
CIVIL RIGHTS DIVISION
ROOM 7254- NWB
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE NW
WASHINGTON, D.C.

DEAR SIR:

As required by Section 5 of the Voting Rights Act, I am enclosing for the approval of the Justice Department a copy of Ordinance # 11-1010 of the City of Margaret, Alabama providing for the annexation of land into the City of Margaret, Alabama. This Ordinance was approved on October 10, 2011 the following us submitted.

- (a) A copy of the ordinance
- (b) Voting will not be changed in that this additional territory will be added to the City. No registered voters will be added.
- (c) The change noted above is readily apparent on the face of the ordinance.
- (d) Marelyn Johnson, City Clerk, City of Margaret, 125 School Street
Margaret, Alabama 35112

- (e) City of Margaret Town Council
- (f) The City of Margaret is located in St, Clair County, Alabama. The real estate

Annexed pursuant to the ordinance # 11-1010 is also located in St. Clair County, Alabama.

- (g) City of Margaret City Council, This Ordinance was accomplished by unanimous petition of all landowners who are contiguous to the City of Margaret, Alabama, signed a petition requesting annexation to the City Council of the City of Margaret, Alabama pursuant to Section 11-42-20, Code of Alabama (1975), The petition was accepted by the City of Margaret and was adopted which annexed the property into the City.

(h)

- (i) The change, which will be added the additional voters as set out herein, will Not be in force until approval is obtained from the Justice Department.

(j) The change has not yet been enforced or administered.

- (k) The change will affect the entire jurisdiction of the City of Margaret in the election of the Mayor in that the Mayor is elected at large. However, it will only affect the Council in the district in which the property was annexed by by adding no (0) registered voters in that Council district.

(l) The reason for the annexation was the petition by the property owners whose property was contiguous to the City of Margaret, Alabama for annexation.

(m) The members of racial or language minority groups is not affected.

(n) There is presently no litigation pending concerning the change or any related voting practices and, based upon information and belief, there has been no such past litigation.

(o) Based upon information and belief, there has been no pre-clearance and the proposed change is not subject to the pre-clearance requirement.

Page 3

(p) Attached here to is a copy of the map which shows the land that was annexed

- (q) 1. The present and expected future use of the annexed land that is residential.
2. There is no anticipated development.
 3. All prior annexation subject to the pre-clearance requirement have been submitted for review.

Should you have any questions concerning this correspondence or need additional information please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marelyn Johnson".

Marelyn Johnson
City Clerk

ORDINANCE #12-223

BY THE CITY OF MARGARET, ALABAMA AS BE IT ORDAINED FOLLOWS:

Section 1. That the salary of the Mayor of the City of Margaret, Alabama shall be and the same is hereby fixed at the sum of \$250.00 per month and paid the 1st of each month.

Section 2. That each council member of the City of Margaret shall be compensated for council meeting at the salary of \$100.00 per month, and will be paid at the 1st of each month.

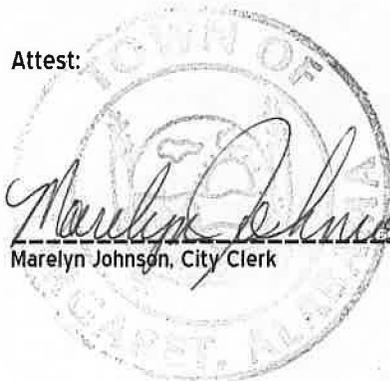
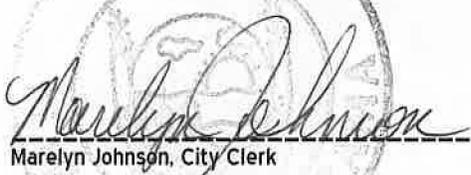
Section 2. This ordinance shall become effective on the First Monday of November, 2012, and shall continue in force and effect until repealed by action of the council.

Section 6. The provisions of this ordinance are hereby declared severable; if any portion of this ordinance shall be held unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect the remaining portion of this ordinance.

ADOPTED AND APPROVED THIS THE 27TH DAY OF FEBRUARY, 2012


Jeffrey Wilson, Mayor

Attest:



Marelyn Johnson, City Clerk

State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #12-223 set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on February 29, 2012 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Flashtrack

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 29th day of February, 2012.



Clerk of the City of Margaret, Alabama

**AN ORDINANCE TO LEVY, ASSESS AND ESTABLISH
COURT COSTS AND DOCKET FEES FOR MUNICIPAL COURT;
TO PROVIDE FOR BAIL BOND FEES; AND TO
PROVIDE FOR THE DISTRIBUTION THEREOF**

WHEREAS, on or about May 16, 2012, the Alabama Legislature passed and approved Act No. 2012-535 to increase the docket fees in certain civil and criminal cases in the circuit, district and municipal courts in the State of Alabama; to provide for the distribution of the revenue; to provide for bail bond fees in certain amounts; to exempt bonds for certain traffic violations from the fees; to require the defendant to pay the fees; to provide for the clerks of the various courts to collect the fees; and to provide for distribution of the fees; and

WHEREAS, certain provisions of Act No 2012-535 apply to the municipal court of the City of Margaret, Alabama; and

WHEREAS, the City Council of the City of Margaret, Alabama, desires to adopt by reference the provisions of Act No. 2012-535 applicable to municipal courts and to levy, assess, increase and impose additional court costs, docket fees, and bail bond fees provided for in said Act.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARGARET, ALABAMA, AS FOLLOWS:

Section 1. The provisions of Act No. 2012-535 applicable to municipal courts are hereby incorporated by reference and the docket fees provided for in Act No. 2012-535 are hereby assessed and established as additional docket fees for the Municipal Court of the City of Margaret. The docket fees provided for in Act No. 2012-535 and assessed and established herein are in addition to all docket fees, court costs, and fines heretofore assessed, established and authorized by law including, but not limited to, all ordinances heretofore adopted by the City of Margaret.

Section 2. The provisions of Act No. 2012-535 applicable to municipal courts are hereby incorporated herein by reference and the additional fees on bail bonds provided for in Act No. 2012-535 are hereby levied and imposed as additional bail bond fees in the Municipal Court of the City of Margaret. The bail bond fees provided for in Act No. 2012-535 and imposed herein are in addition to all other charges, costs, taxes, or fees levied by law on bail bonds.

Section 3. The additional docket fees and additional fees on bail bonds provided for in Act No. 2012-535 shall be distributed pursuant to the provisions of Act No. 2012-535.

Section 4. The provisions of this ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All ordinances or part of ordinances which conflict with this ordinance are repealed to the extent they are in direct conflict with the provisions of this ordinance.

Section 6. This ordinance shall become effective upon passage, approval and publication.

ORDAINED, ADOPTED and APPROVED this the 16th day of July, 2012.

THE CITY OF MARGARET, ALABAMA

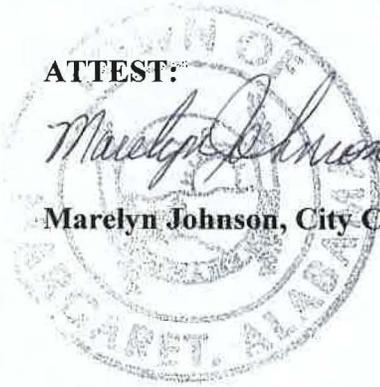


Jeffrey Wilson, Mayor

ATTEST:



Marelyn Johnson, City Clerk



State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #2012-716 set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordiance was posted on July 16, 2012 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 16th day of July, 2012.


Clerk of the City of Margaret, Alabama

Permanent General Ordinance of The City of Margaret

**Ordinance of the City of Margaret, Alabama to specify how the
Funds of the City of Margaret, Alabama shall be expended
and Control of City Finances.**

Ordinance Number: 2012-115

Section 1.) The City Council of the City of Margaret Alabama shall be and hereby is the sole approving authority for the expenditure of municipal funds and monies, and therefore shall be solely in control of all municipal finances.

Section 2.) Consistent with Section 1 of this ordinance, except as provided herein in this ordinance, no municipal funds or monies of the City of Margaret, Alabama shall be expended without approval by majority vote of the City Council of the City of Margaret, Alabama.

Section 4.) The Department Heads of the City of Margaret, Alabama are hereby authorized to expend or obligate funds and monies of the City of Margaret, Alabama for, and only for, the purposes of ensuring that regular and usual bills and expenses of the City are paid and/or obligated.

Section 5.) Regular and Usual bills of the Municipality shall be limited to Fuel for Municipal Vehicles, Electric Power, Land-Line Telephone Service, Fax Service, Internet Service, Cellular Telephone Service, Computer Operating Systems, Accounting Software Systems, Computer Services needed to ensure continued operation of critical operations of the City Departments, Natural Gas and Propane Use and Service, Services, expenses, or financial obligations necessary to comply with requirements of Alabama Department of Environmental Management, Alabama Criminal Justice Information Center, Alabama Unified Judicial System, Alabama Peace Officers Standards and Training Commission, Alabama Fire College and Personnel Standards Commission, Alabama Department of Public Health, Alabama Ethics Commission, and any other regulatory agency or department specifically required by state or federal law. All funds or monies authorized in this section shall be reported to and approval ratified by the City Council at the next immediate City Council Meeting following their expenditure or obligation.

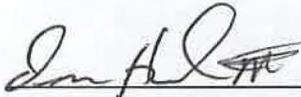
Section 6.) All funds or monies needed to be expended, obligated, or otherwise which may need to be requested for specific needs of the municipality, not provided for in Section 5 of this Ordinance, shall be requested from and approved by the City Council at each regular scheduled City Council Meeting.

Section 7.) Any Ordinance of the City of Margaret here in conflict with the requirements of this ordinance is hereby repealed to the extent of said conflict.

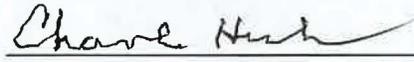
Section 8.) All sections and parts of this ordinance are severable and therefore should any section and/or part of this ordinance be ruled unconstitutional it shall be stricken from this ordinance and all other parts of this ordinance shall stand.

Section 9.) So ordered by the City Council of the City of Margaret, on this the 5th day of November, 2012.

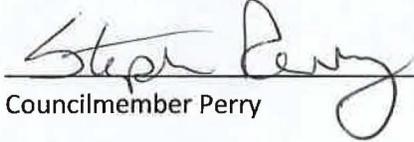
Permanent General Ordinance of The City of Margaret



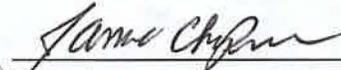
Mayor Howard



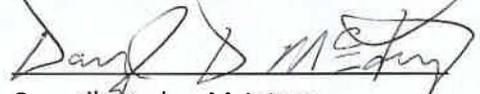
Councilmember Hicks



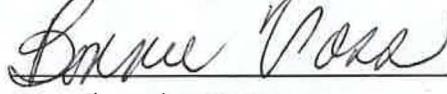
Councilmember Perry



Councilmember Chapman



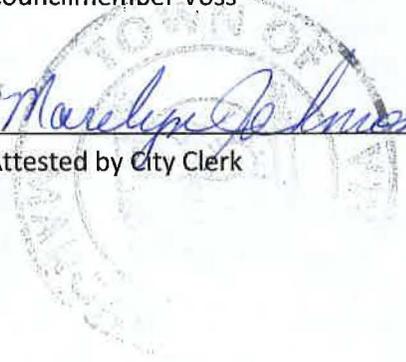
Councilmember McIntyre



Councilmember Voss



Attested by City Clerk



State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #2012-115 set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on November 6, 2012 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 6th day of November, 2012.


Clerk of the City of Margaret, Alabama

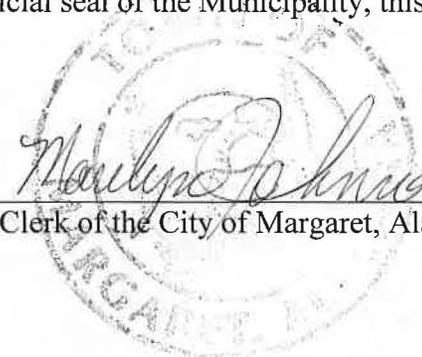
State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #2012-115A set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on November 20, 2012 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 20th day of November, 2012.


Marilyn Johnson

Clerk of the City of Margaret, Alabama

Permanent General Ordinance of The City of Margaret

Ordinance of the City of Margaret, Alabama to specify the Appointment of All Officers of the City of Margaret, Alabama.

Ordinance Number: 2012-115A

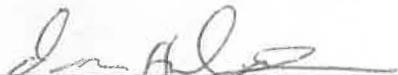
Section 1.) The City Council of the City of Margaret Alabama shall be and hereby is the sole appointing authority of all Officers of the municipality of Margaret, Alabama.

Section 2.) Consistent with Section 1 of this ordinance, all Officers of the Municipality and/or Department Head Officers to include the City Clerk, Chief of Police, Chief of the Fire Department, Manager of Public Works, City Building and License Inspector, City Attorney, and any and all other Department Head Officers not here listed either existing at this time or which shall exist in the future shall be appointed solely by the City Council of the City of Margaret.

Section 3.) Any Ordinance of the City of Margaret here in conflict with the requirements of this ordinance is hereby repealed to the extent of said conflict.

Section 4.) All sections and parts of this ordinance are severable and therefore should any section and/or part of this ordinance be ruled unconstitutional it shall be stricken from this ordinance and all other parts of this ordinance shall stand.

Section 5.) So ordered by the City Council of the City of Margaret, on this the 5th day of November, 2012.



Mayor Howard



Councilmember Hicks



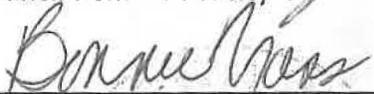
Councilmember Perry



Councilmember Chapman



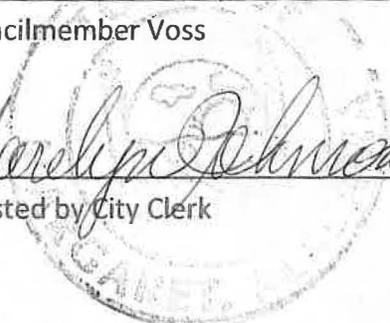
Councilmember McIntyre



Councilmember Voss



Attested by City Clerk



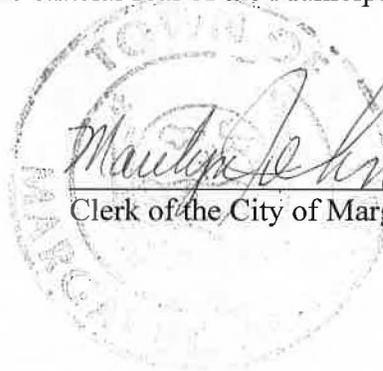
State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #2012-115C set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on November 20, 2012 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 20th day of November, 2012.



Clerk of the City of Margaret, Alabama

Permanent General Ordinance of The City of Margaret

Ordinance of the City of Margaret, Alabama to specify how the
Vehicles Owned by the City of Margaret, Alabama shall be Assigned and Used.

Ordinance Number: 2012-115C

Section 1.) The City Council of the City of Margaret Alabama shall be and hereby is the sole approving authority for the Assignment of and Usage of all Vehicles Owned by the City of Margaret, Alabama.

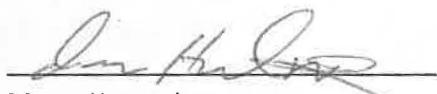
Section 2.) Consistent with Section 1 of this ordinance, the City Council of the City of Margaret, Alabama shall specify how each vehicle owned by the City of Margaret shall be used and if assigned to a specific Officer of the Municipality or Employee that assignment shall be specified by the City Council.

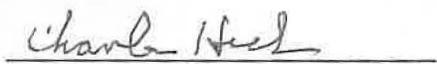
Section 3.) Assignment of and/or Usage of City of Margaret owned Vehicles made consistent with this Ordinance shall be done by a majority vote of the City Council and said assignment and/or reassignment shall be recorded in the minutes of the Council Meeting of the City Council of the City of Margaret, Alabama.

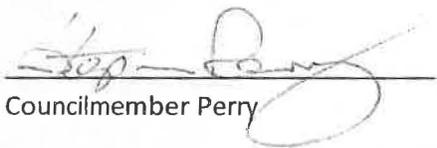
Section 4.) Any Ordinance of the City of Margaret here in conflict with the requirements of this ordinance is hereby repealed to the extent of said conflict.

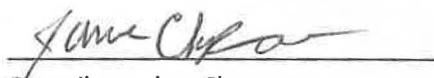
Section 5.) All sections and parts of this ordinance are severable and therefore should any section and/or part of this ordinance be ruled unconstitutional it shall be stricken from this ordinance and all other parts of this ordinance shall stand.

Section 6.) So ordered by the City Council of the City of Margaret, on this the 5th day of November, 2012.


Mayor Howard

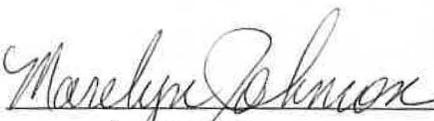

Councilmember Hicks


Councilmember Perry


Councilmember Chapman


Councilmember McIntyre


Councilmember Voss


Attested by City Clerk

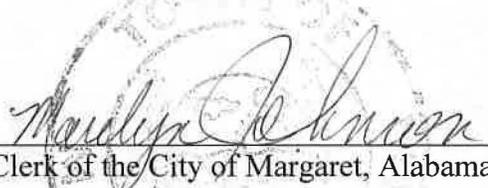
State of Alabama
St Clair County
City of Margaret

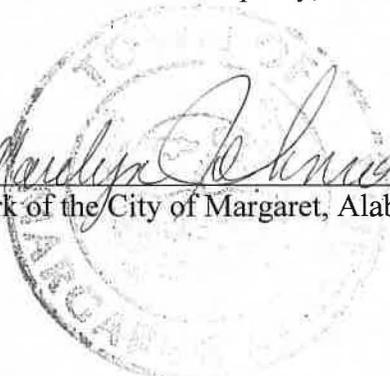
Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #2012-115D set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on November 20, 2012 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 20th day of November, 2012.


Clerk of the City of Margaret, Alabama



Permanent General Ordinance of The City of Margaret

Ordinance of the City of Margaret, Alabama to Appoint the
Manager of Public Works of the City of Margaret, Alabama.

Ordinance Number: 2012-1150

Section 1.) Whereas, The City Council of the City of Margaret Alabama is the sole appointing authority of all Officers of the municipality of Margaret, Alabama, the City Council hereby appoints the City Manager of Public Works.

Section 2.) Consistent with Section 1 of this ordinance, the City Council of the City of Margaret hereby appoints Jeffrey G Wilson, of Margaret, Alabama, as the City Manager of Public Works.

Section 3.) The City Manager of Public Works shall serve until he resigns from office, is removed from office by this council, or his successor is duly appointed to office by municipal ordinance as prescribed by the Code of Alabama.

Section 4.) The Salary and Benefits of the City Manager of Public Works shall be \$ 1,500.00 every two weeks, 100% city paid Family Health and Dental Insurance, a City issued vehicle as prescribed by the City Council, and all other city paid employee benefits as is provided to all other officers and employees of the City of Margaret, Alabama.

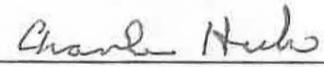
Section 5.) Any Ordinance of the City of Margaret here in conflict with the requirements of this ordinance is hereby repealed to the extent of said conflict.

Section 6.) All sections and parts of this ordinance are severable and therefore should any section and/or part of this ordinance be ruled unconstitutional it shall be stricken from this ordinance and all other parts of this ordinance shall stand.

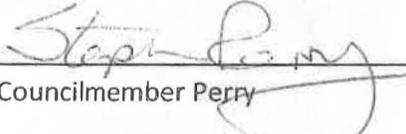
Section 7.) So ordered by the City Council of the City of Margaret, on this the 5th day of November, 2012.



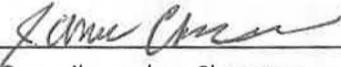
Mayor Howard



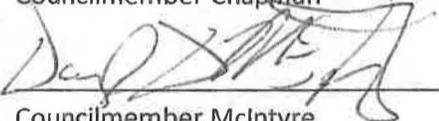
Councilmember Hicks



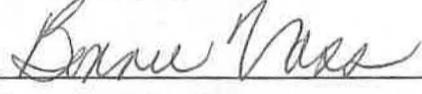
Councilmember Perry



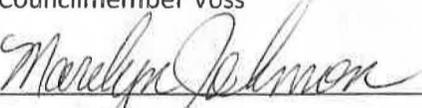
Councilmember Chapman



Councilmember McIntyre



Councilmember Voss



Attested by City Clerk

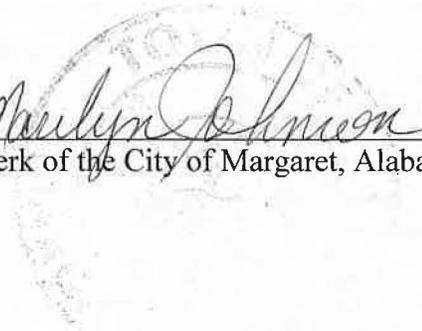
State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

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- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 20th day of November, 2012.


Marilyn Johnson
Clerk of the City of Margaret, Alabama

Permanent General Ordinance of The City of Margaret

Ordinance of the City of Margaret, Alabama to Appoint the
Fire Chief of the City of Margaret, Alabama.

Ordinance Number: 2012-115E

Section 1.) Whereas, The City Council of the City of Margaret Alabama is the sole appointing authority of all Officers of the municipality of Margaret, Alabama, the City Council hereby appoints the City Fire Chief.

Section 2.) Consistent with Section 1 of this ordinance, the City Council of the City of Margaret hereby appoints Thomas E. Dixon, Jr., of Odenville, Alabama, as the City Fire Chief.

Section 3.) The City Fire Chief shall serve until he resigns from office, is removed from office by this council, or his successor is duly appointed to office by municipal ordinance as prescribed by the Code of Alabama.

Section 4.) The Salary and Benefits of the City Fire Chief shall be the same rate of pay and benefits as was provided for the City Fire Chief serving in the prior municipal administration.

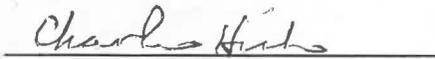
Section 5.) Any Ordinance of the City of Margaret here in conflict with the requirements of this ordinance is hereby repealed to the extent of said conflict.

Section 6.) All sections and parts of this ordinance are severable and therefore should any section and/or part of this ordinance be ruled unconstitutional it shall be stricken from this ordinance and all other parts of this ordinance shall stand.

Section 7.) So ordered by the City Council of the City of Margaret, on this the ¹⁹5th day of November, 2012.



Mayor Howard



Councilmember Hicks



Councilmember Perry



Councilmember Chapman



Councilmember McIntyre



Councilmember Voss



Attested by City Clerk

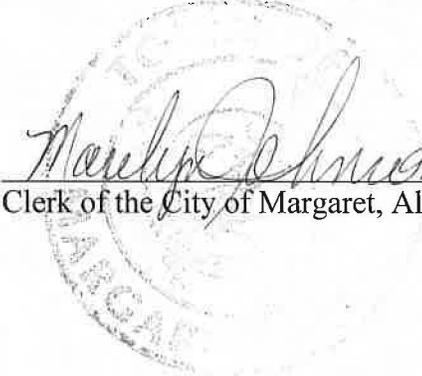
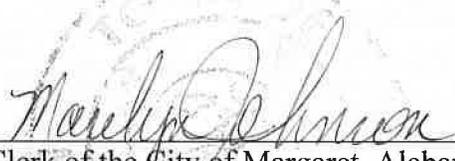
State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

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- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 20th day of November, 2012.



Clerk of the City of Margaret, Alabama

Permanent General Ordinance of The City of Margaret

Ordinance of the City of Margaret, Alabama to Appoint the
Police Chief of the City of Margaret, Alabama.

Ordinance Number: 2012 - 115F

Section 1.) Whereas, The City Council of the City of Margaret Alabama is the sole appointing authority of all Officers of the municipality of Margaret, Alabama, the City Council hereby appoints the City Police Chief.

Section 2.) Consistent with Section 1 of this ordinance, the City Council of the City of Margaret hereby appoints Ricky A. Parker, of Moody, Alabama, as the City Police Chief.

Section 3.) The City Police Chief shall serve until he resigns from office, is removed from office by this council, or his successor is duly appointed to office by municipal ordinance as prescribed by the Code of Alabama.

Section 4.) The Salary and Benefits of the City Police Chief shall be the same rate of pay and benefits as was provided for the City Police Chief serving in the prior municipal administration.

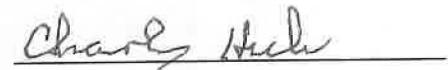
Section 5.) Any Ordinance of the City of Margaret here in conflict with the requirements of this ordinance is hereby repealed to the extent of said conflict.

Section 6.) All sections and parts of this ordinance are severable and therefore should any section and/or part of this ordinance be ruled unconstitutional it shall be stricken from this ordinance and all other parts of this ordinance shall stand.

Section 7.) So ordered by the City Council of the City of Margaret, on this the 5th day of November, 2012.



Mayor Howard



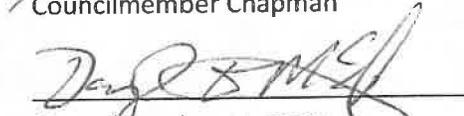
Councilmember Hicks



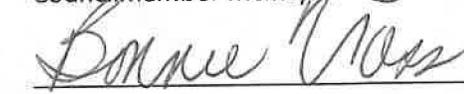
Councilmember Perry



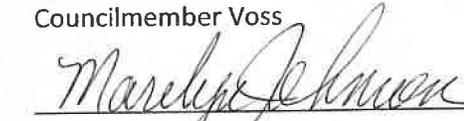
Councilmember Chapman



Councilmember McIntyre



Councilmember Voss



Attested by City Clerk

State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #2012-115G set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on November 20, 2012 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 20th day of November, 2012.


Marilyn Johnson
Clerk of the City of Margaret, Alabama

Permanent General Ordinance of The City of Margaret

Ordinance of the City of Margaret, Alabama to Appoint the
City Building and License Inspector of the City of Margaret, Alabama.

Ordinance Number: 2012-115B

Section 1.) Whereas, The City Council of the City of Margaret Alabama is the sole appointing authority of all Officers of the municipality of Margaret, Alabama, the City Council hereby appoints the City Building and License Inspector.

Section 2.) Consistent with Section 1 of this ordinance, the City Council of the City of Margaret hereby appoints Gene Barker, of Moody, Alabama, as the City Building and License Inspector.

Section 3.) The City Building and License Inspector shall serve until he resigns from office, is removed from office by this council, or his successor is duly appointed to office by municipal ordinance as prescribed by the Code of Alabama.

Section 4.) The Salary and Benefits of the City Building and License Inspector shall be the same rate of pay and benefits as was provided for the City Building and License Inspector serving in the prior municipal administration.

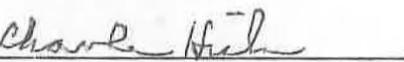
Section 5.) Any Ordinance of the City of Margaret here in conflict with the requirements of this ordinance is hereby repealed to the extent of said conflict.

Section 6.) All sections and parts of this ordinance are severable and therefore should any section and/or part of this ordinance be ruled unconstitutional it shall be stricken from this ordinance and all other parts of this ordinance shall stand.

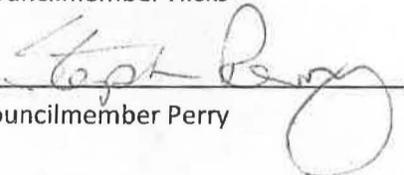
Section 7.) So ordered by the City Council of the City of Margaret, on this the 5th day of November, 2012.



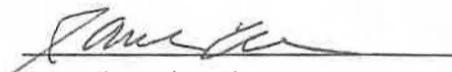
Mayor Howard



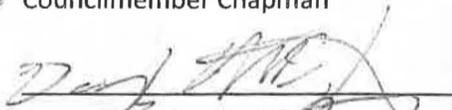
Councilmember Hicks



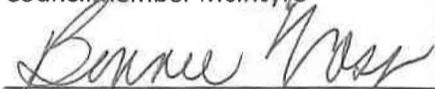
Councilmember Perry



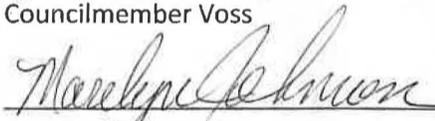
Councilmember Chapman



Councilmember McIntyre



Councilmember Voss



Attested by City Clerk

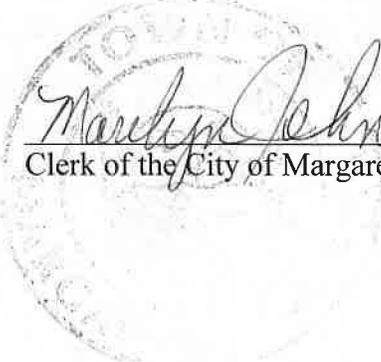
State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

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- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 20th day of November, 2012.


Martyn Johnson
Clerk of the City of Margaret, Alabama

Permanent General Ordinance of The City of Margaret

Ordinance of the City of Margaret, Alabama to Appoint the
City Attorney of the City of Margaret, Alabama.

Ordinance Number: 2012-11517

Section 1.) Whereas, The City Council of the City of Margaret Alabama is the sole appointing authority of all Officers of the municipality of Margaret, Alabama, the City Council hereby appoints the City Attorney.

Section 2.) Consistent with Section 1 of this ordinance, the City Council of the City of Margaret hereby appoints Donald Scott, of Margaret, Alabama, as the City Attorney.

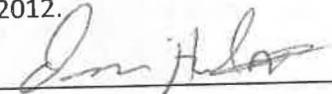
Section 3.) The City Attorney shall serve until he resigns from office, is removed from office by this council, or his successor is duly appointed to office by municipal ordinance as prescribed by the Code of Alabama.

Section 4.) The Salary and Benefits of the City Attorney shall be the same rate of pay and benefits as was provided for the City Attorney serving in the prior municipal administration.

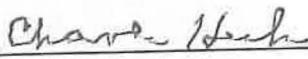
Section 5.) Any Ordinance of the City of Margaret here in conflict with the requirements of this ordinance is hereby repealed to the extent of said conflict.

Section 6.) All sections and parts of this ordinance are severable and therefore should any section and/or part of this ordinance be ruled unconstitutional it shall be stricken from this ordinance and all other parts of this ordinance shall stand.

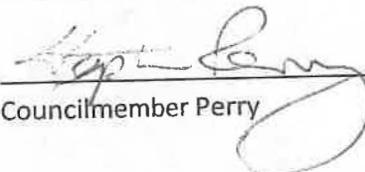
Section 7.) So ordered by the City Council of the City of Margaret, on this the ¹⁹th day of November, 2012.



Mayor Howard



Councilmember Hicks



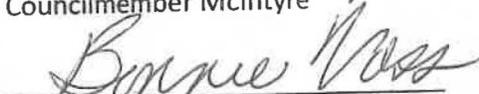
Councilmember Perry



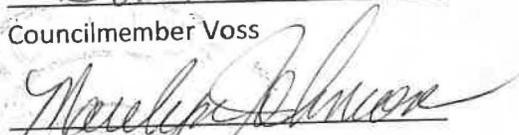
Councilmember Chapman



Councilmember McIntyre



Councilmember Voss



Attested by City Clerk

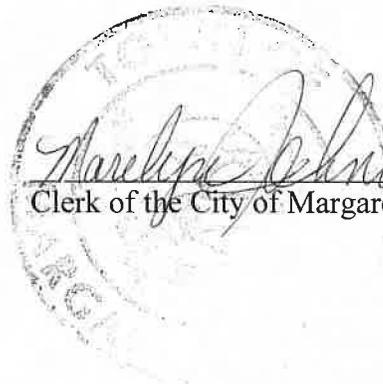
State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

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- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 20th day of November, 2012.


Clerk of the City of Margaret, Alabama

Permanent General Ordinance of The City of Margaret, Alabama

Ordinance of the City of Margaret, Alabama to Appoint the City Clerk and Treasurer of the City of Margaret, Alabama.

Ordinance Number: 2012-115J

Section 1.) Whereas, The City Council of the City of Margaret, Alabama is the sole appointing authority of all officers of the municipality of Margaret, Alabama, the City Council hereby appoints the City Clerk and Treasurer.

Section 2.) Consistent with Section 1 of this ordinance, the City Council of the City of Margaret hereby appoints Marelyn Johnson, of Argo, Alabama, as the City Clerk and Treasurer.

Section 3.) The City Clerk and Treasurer shall serve until he resigns from office, is removed from office by this council, or his successor is duly appointed to office by municipal ordinance as prescribed by the Code of Alabama.

Section 4.) The Salary and Benefits of the City Clerk and Treasurer shall be the same rate of pay and benefits as was provided for the City Clerk and Treasurer serving in the prior municipal administration.

Section 5.) Any Ordinance of the City of Margaret here in conflict with the requirements of this ordinance is hereby repealed to the extent of said conflict.

Section 6.) All sections and parts of this ordinance are severable and therefore should any section and/or parts of this ordinance be ruled unconstitutional it shall be stricken from this ordinance and all other parts of this ordinance shall stand .

Section.7) So ordered by the City Council of the City of Margaret, on this the 19th day of November, 2012



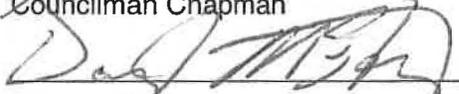
Mayor Howard



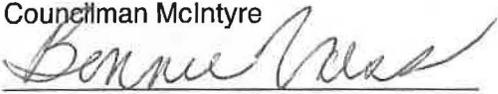
Councilman Chapman



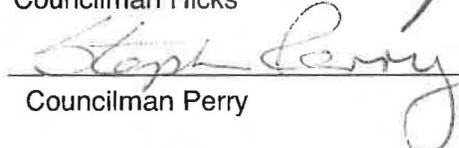
Councilman McIntyre



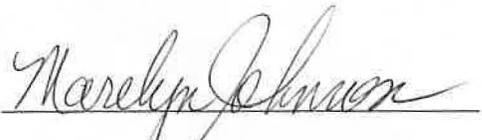
Councilman Hicks



Councilwoman Voss



Councilman Perry



Attested by City Clerk

AMENDED DATE: 1-8-13

SEE ORD. NO. 2013-225

CITY OF MARGARET

ORDINANCE #2012-1217

An ordinance amending sections 1, 2, & 4 of Margaret Ordinance No. 94-69 of the City of Margaret levying a privilege, license or excise tax against persons, firms or corporations storing, using or otherwise consuming or engaging in the business of selling at retail tangible personal property or conducting places of amusement in the City of Margaret, Alabama or within its police jurisdiction.

Be it ordained by the City Council of the City of Margaret in the State of Alabama, as follows:

1. Section 1 of Ordinance No. 94-69 of the City of Margaret which was adopted by the Town Council and approved by the Mayor of said Town on May 31, 1994 is hereby amended so that the said Section 1 shall read in its entirety as follows:

Section 1. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected and herein provided, a privilege or license tax against the person on account of the business activity and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

- (a) Upon every person, firm or corporation, (including the State of Alabama, the University of Alabama, Auburn University and all other institutions be denominational, state, county or municipal institutions, and any associations or other agency or instrumentality of such institutions), engaged, or continuing within the City in the business of selling at retail and tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft and commercial fishing vessels of over five (5) tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources, an amount equal to four percent (4%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business and a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rate specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer on the gross sales of the business.

Upon every person, firm or corporation engaged or continuing within the City, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows vaudevilles, amusement parks, boxing and wrestling exhibition, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within the City, or any athletic association thereof, or other association whether such institution be a denominational, a state or county, or a municipal institution or association or a state, county or city school or other institution, association or school), skating rinks, race tracks golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the City, an amount equal to four percent (4%) of the gross receipts of any such business. Provided, however, notwithstanding any language to the contrary in the prior portion of this subsection, the tax provisions so specified shall not apply to any athletic event conducted by a public primary or secondary school. The tax amount which would have been collected pursuant to this subsection shall continue to be collected by said public primary or secondary school but shall be retained by the school which collected it and shall be used by said school for school purposes.

- (b) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail machines used in mining, quarrying, compounding processing and manufacturing of tangible personal property, an amount equal to four percent (4%) of the gross proceeds of the sale of such machines: provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacement therefor which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and area customarily so used.
- (c) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer, house trailer, or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring cable pipe and any other materials pertaining there to an amount equal to one percent (1%) of the gross sale of said automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid in lieu of the tax levied herein, a fee of \$75.00 per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day of anniversary date, as the case

May be, of such withdrawal and shall, run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where an used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trade, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used a vehicle taken in trade.

- (d) Upon every person, firm, corporation engaged or continuing within the City in the business of selling at retail any machine, machinery or equipment which is used planting, cultivating and harvesting farm produces, or used in connection with the production of agriculture produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacement therefore which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to four percent (4%) of the gross proceeds of the sale thereof, Provided, however, the four percent (4%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailers designed primarily for public highway use, except farm trailer used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

- (e) Upon every person, firm or corporation engaged or continuing within the City in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to four percent (4%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.

II. Section 2 of Ordinance No. 94-69 of the City Margaret which was adopted May 31, 1994 by the Town Council and approved by the Mayor of said Town on

May 31, 1994. Is hereby amended so that said Section 2 shall read in its entirety as follows:

Section 2. Levy of tax in police jurisdiction.

Upon every person, firm or corporation engaged in the doing of an act, or who shall do an act, or continuing in the doing of an act, or engaged in the operation of any business, or who shall engage in the operation of any business, within the police jurisdiction of the City but beyond the corporate limits of said City, for which or upon which a privilege or license tax is in this ordinance levied or required within the corporate limits of the City, there is hereby levied, in addition to all other taxes of every kind now imposed by law or by municipal ordinance, to be collected as herein provided for the privilege or license taxes herein levied within the corporate limits of the City, a privilege or license tax equal to four percent (4%) of that provided, levied or required in this ordinance for the doing of such act, or engaging or continuing therein, or the engaging or continuing in the operation of such business within the corporate limits of the City. Provided further, that except for the amount of the privilege or license tax herein levied within the police jurisdiction of said City but without the corporate limits thereof, all the provisions of this ordinance extend and apply to all the area within the police jurisdiction of the City.

III. Section 3 of Ordinance No 94-69 of the City of Margaret which was adopted May 31, 1994 by the Town Council and approved by the Mayor of said City on May 31, 1994. Is hereby amended so that said Section 3 shall read in its entirety as follows:

Section 3: An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property, not including material and supplies bought for use in fulfilling a contract for the painting, repairing, or remodeling of vessels, barges, ships and other watercraft and commercial fishing vessels of over five (5) tons load displacement as required with the U.S Coast Guard and license by the State of Alabama Department of conservation and Natural Resources purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the City, except as provided in subsections (b), (c), and (d) at the rate of four percent (4%) of the sale price of such property within the corporate limits of said City.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the city of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail on or after the effective date of this ordinance at the rate of four percent (4%) of the sale price of such machine within the corporate limits of the City, provided that the term "machine" as herein used, shall include

machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts for such machines, Attachment and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in the City of any automotive vehicle or truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the City at the rate of one percent (1%) of the sales price of such automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies within the corporate limits of said City. Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the City of any machine, machinery or equipment which is used in planting cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the City at the rate of four percent (4%) of the sales price of such property within the corporate limits of said City regardless of whether the retailer is or is not engaged in the business in this City. Provided, the four percent (4%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway used except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

An excise tax is hereby imposed on tangible personal property at one-half the rates specified in subsections (a), (b), (c), and (d) of this section on the

storage, use or other consumption of such tangible personal property outside the corporate limits of the City, but within the police jurisdiction.

Section IV. The provisions of this ordinance are hereby declared severable if any portion of this Ordinance shall be held unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect the remaining portions of this Ordinance.

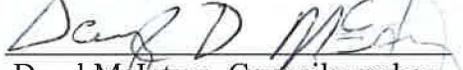
Section V. This Ordinance shall become effective on the 1st day of March, 2013.

ADOPTED AND APPROVED THIS THE 8th DAY OF January, 2013.


Isaac Howard III., Mayor


Charles Hicks, Mayor Pro-Tem


James Chapman, Councilmember

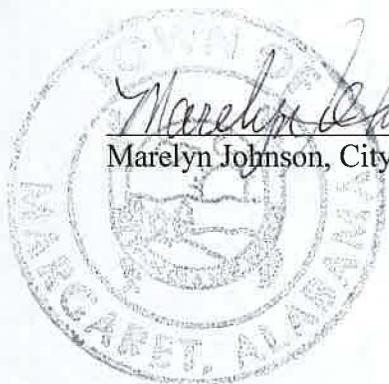

Daryl McIntyre, Councilmember


Stephen Perry, Councilmember


Bonnie Voss, Councilmember

Attest:


Marellyn Johnson, City Clerk



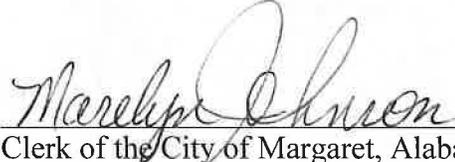
State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #2012-1217 set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Resolution was posted on January 8, 2013 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 15th day of January, 2013.


Clerk of the City of Margaret, Alabama

CITY OF MARGARET

ORDINANCE #2013-225

An ordinance amending sections 1, 2, 3 & 4 of Margaret Ordinance No. 2012-2017 of the City of Margaret amending its Ordinance levying a privilege, license or excise tax against persons, firms or corporations storing, using or otherwise consuming or engaging in the business of selling at retail tangible personal property or conducting places of amusement in the City of Margaret, Alabama or within its police jurisdiction.

Be it ordained by the City Council of the City of Margaret in the State of Alabama, as follows:

Section 1 of Ordinance No. 94-69 of the City of Margaret which was adopted May 31, 1994 by the Town Council and approved by the Mayor of said Town on May 31, 1994. Said Ordinance was amended by Ordinance No. 2012-1217 of the City of Margaret which was adopted by the City Council and approved by the Mayor of said Town on January 8, 2013. Ordinance No. 2012-1217 is hereby amended so that the said Section 1 shall read in its entirety as follows:

Section 1. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected and herein provided, a privilege or license tax against the person on account of the business activity and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

- (a) Upon every person, firm or corporation, (including the State of Alabama, the University of Alabama, Auburn University and all other institutions be denominational, state, county or municipal institutions, and any associations or other agency or instrumentality of such institutions), engaged, or continuing within the City in the business of selling at retail and tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft and commercial fishing vessels of over five (5) tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources), an amount equal to Four Percent (4%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business and a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rate specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer on the gross

sales of the business, upon every person, firm or corporation engaged or continuing within the City, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows vaudevilles, amusement parks, boxing and wrestling exhibition, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within the City, or any athletic association thereof, or other association whether such institution be a denominational, a state or county, or a municipal institution or association or a state, county or city school or other institution, association or school), skating rinks, race tracks golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the City, an amount equal to Four Percent (4%) of the gross receipts of any such business. Provided, however, notwithstanding any language to the contrary in the prior portion of this subsection, the tax provisions so specified shall not apply to any athletic event conducted by a public primary or secondary school. The tax amount which would have been collected pursuant to this subsection shall continue to be collected by said public primary or secondary school but shall be retained by the school which collected it and shall be used by said school for school purposes.

- (b) Upon every person, firm corporation engaged or continuing within the City in the business of selling at retail machines used in mining, quarrying, compounding processing and manufacturing of tangible personal property, an amount equal to One Percent (1%) of the gross proceeds of the sale of such machines: provided that the term "machines," ad herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacement therefor which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and area customarily so used.
- (c) Upon every person, firm corporation engaged or continuing within the City in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer, house trailer, or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring cable pipe and any other materials pertaining there to an amount equal to One Percent (1%) of the gross sale of said automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid in lieu of the tax levied herein, a fee of \$75.00 per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day of anniversary date, as the case may be,

- (d) of such withdrawal and shall, run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where a used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trade, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used a vehicle taken in trade.

- (e) Upon every person, firm, corporation engaged or continuing within the City in the business of selling at retail any machine, machinery or equipment which is used planting, cultivating and harvesting farm produces, or used in connection with the production of agriculture produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacement therefore which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to One Percent (1%) of the gross proceeds of the sale thereof, Provided, however, the One Percent (1%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailers designed primarily for public highway use, except farm trailer used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.
- (f) Upon every person, firm or corporation engaged or continuing within the City in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to Four Percent (4%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.

II. Section 2 of Ordinance No. 94-69 of the City Margaret which was adopted May 31, 1994 by the Town Council and approved by the Mayor of said Town on May 31, 1994. Said Ordinance was amended by Ordinance No. 2012-1217 of the City of Margaret which was adopted by the City Council and approved by the Mayor of said City on January 8, 2013. Ordinance No. 2012-1217 is hereby amended so that the said Section 2 shall read in its entirety as follows:

Section 2. Levy of tax in police jurisdiction.

Upon every person, firm or corporation engaged in the doing of an act, or who shall do an act, or continuing in the doing of an act, or engaged in the operation of any business, or who shall engage in the operation of any business, within the police jurisdiction of the City but beyond the corporate limits of said City, for which or upon which a privilege or license tax is in this ordinance levied or required within the corporate limits of the City, there is hereby levied, in addition to all other taxes of every kind now imposed by law or by municipal ordinance, to be collected as herein provided for the privilege or license taxes herein levied within the corporate limits of the City, a privilege or license tax equal to Two Percent (2%) of that provided, levied or required in this ordinance for the doing of such act, or engaging or continuing therein, or the engaging or continuing in the operation of such business within the corporate limits of the City. Provided further, that except for the amount of the privilege or license tax herein levied within the police jurisdiction of said City but without the corporate limits thereof, all the provisions of this ordinance extend and apply to all the area within the police jurisdiction of the City.

III. Section 3 of Ordinance No. 94-69 of the City Margaret which was adopted May 31, 1994 by the Town Council and approved by the Mayor of said Town on May 31, 1994. Said Ordinance was amended by Ordinance No. 2012-1217 of the City of Margaret which was adopted by the City Council and approved by the Mayor of said City on January 8, 2013. Ordinance No. 2012-1217 is hereby amended so that the said Section 3 shall read in its entirety as follows:

Section 3: An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property, not including material and supplies bought for use in fulfilling a contract for the painting, repairing, or remodeling of vessels, barges, ships and other watercraft and commercial fishing vessels of over five (5) tons load displacement as required with the U.S Coast Guard and license by the State of Alabama Department of conservation and Natural Resources purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the City, except as provided in subsections (b), (c), and (d) at the rate of One Percent (1%) of the sale price of such property within the corporate limits of said City.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the city of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail on or after the effective date of this ordinance at the rate of One Percent (1%) of the sale price of such machine within the corporate limits of the City, provided that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts for such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in the City of any automotive vehicle or truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the City at the rate of One Percent (1%) of the sales price of such automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies within the corporate limits of said City. Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the City of any machine, machinery or equipment which is used in planting cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the City at the rate of One Percent (1%) of the sales price of such property within the corporate limits of said City regardless of whether the retailer is or is not engaged in the business in this City. Provided, the One Percent (1%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway used except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

An excise tax is hereby imposed on tangible personal property at one-half the rates specified in subsections (a), (b), (c), and (d) of this section on the storage, use or other consumption of such tangible personal property outside the corporate limits of the City, but within the police jurisdiction.

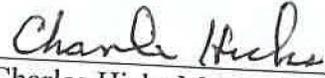
Section IV. Section 4 of Ordinance No. 94-69 of the City Margaret which was adopted May 31, 1994 by the Town Council and approved by the Mayor of said Town on May 31, 1994. Said

Ordinance was amended by Ordinance No. 2012-1217 of the City of Margaret which was adopted by the City Council and approved by the Mayor of said City on ~~May~~ January 8, 2013. Ordinance No. 2012-1217 is hereby amended so that the said Section 4 shall read in its entirety as follows:

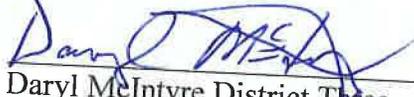
Section 4. The provisions of this Ordinance are hereby declared severable. If any portion of this Ordinance shall be held unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect the remaining portions of this Ordinance.

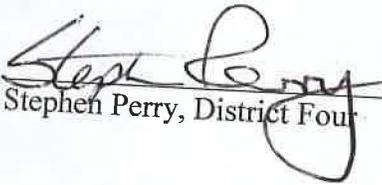
Section V. This Ordinance shall become effective on the 1 day of April, 2013.

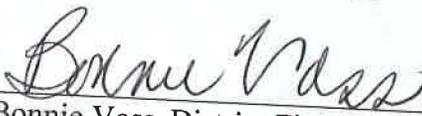

Isaac Howard III Mayor


Charles Hicks Mayor Pro-tem, District Two

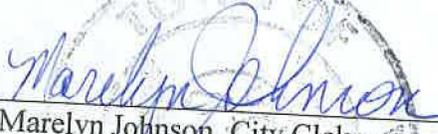

James Chapman District One

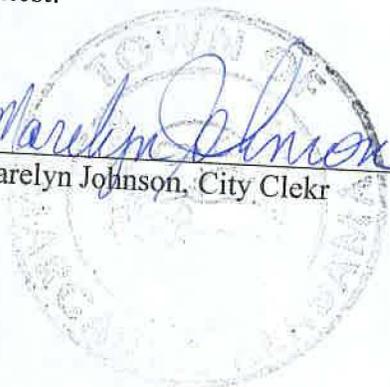

Daryl McIntyre District Three


Stephen Perry, District Four


Bonnie Voss, District Five

Attest:


Marelyn Johnson, City Clerk



State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

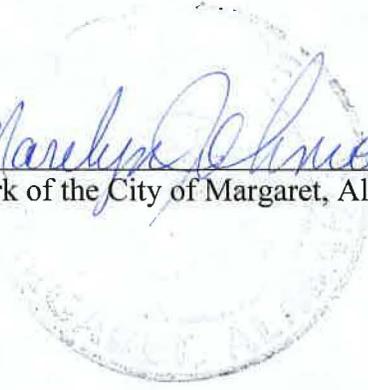
I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Ordinance of the City of Margaret, the original of which is on file in the Ordinance Book in my custody. (4) the form of Ordinance #2013-225 set forth in such is a complete copy of such Ordinance is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on February 27, 2013 at the following paces in the City of Margaret:

- (a) Margaret City Hall
- (b) United States Post Office in Margaret
- (c) Panda Restaurant

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 27th day of February, 2013.



Clerk of the City of Margaret, Alabama



ORDINANCE #15-0113

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
MARGARET, ALABAMA, AS FOLLOWS:

RESERVE POLICE FORCE ORDINANCE

SECTION 1. ESTABLISHMENT. As provided by Section 11-43-210, Code of Alabama, 1975, a police reserve force, hereinafter called reserve, is hereby established within the Police Department of the city [town] of Margaret, Alabama.

SECTION 2. QUALIFICATIONS. The reserve shall consist of not more than 5 members. Any person desiring appointment to the reserve must submit a written application to the chief of police [or other appointing authority] of the city [town] of Margaret, Alabama, certifying that he or she is a resident of the city [town] of Margaret, Alabama, is at least 19 years of age, of good moral character and reputation and has never been convicted of a felony or of a misdemeanor involving force, violence or moral turpitude. Applicants must consent in writing to a fingerprint and background search. **[Residency of reserve officers is an option of the municipality; the other qualifications are required by Section 11-43-210, Code of Alabama, 1975.]**

SECTION 3. APPOINTMENT. Appointments to the reserve shall be made by the chief of police [or other appointing authority] with the approval of the mayor. Such appointments shall be for terms of 2 years. Members of the reserve serve at the pleasure of the chief of police [or other appointing authority], and may be removed with or without cause and without hearing, by the chief of police with the approval of the mayor [or other appointing authority].

SECTION 4. SUPERVISION. The reserve shall function under the immediate direction of the chief of police, who shall provide for its organization and training. The chief of police is hereby authorized and directed to establish such rules and regulations as may be necessary for the efficient operation of the reserve.

SECTION 5. EQUIPMENT. Each member of the reserve shall be issued an identification card signed by the chief of police and the mayor. Members of the reserve shall carry this identification card with them at all times. Whenever a member of the reserve shall be called to active duty, he or she shall be issued a badge and a cap which shall be worn at all times while on active duty in the manner prescribed by the chief of police. Upon completion of each tour of active duty, members of the reserve shall turn in their badges and caps at police headquarters.

SECTION 6. DUTIES. The duties of reserve officers are confined to the following:

(1) Patrol operation performed for the purpose of detection, prevention and suppression of crime or enforcement of the traffic or highway laws of the state, provided the reserve law enforcement officer acts at all times under the direct control and supervision of a certified law enforcement officer.

(2) Traffic direction and control may be performed without direct supervision; provided, however, that supervisory control is exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits.

(3) Reserve officers may render crowd control assistance at public gatherings or municipal functions as directed by the municipality, provided supervisory control will be exercised by a

ORDINANCE #15-0113

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
MARGARET, ALABAMA, AS FOLLOWS:

certified law enforcement officer whose total span of control would be considered within reasonable limits.

For purposes of this section, the term "certified law enforcement officer" shall mean a municipal police officer who has completed the training requirements of the Alabama peace officers' standards and training commission as set out in Article 3, Chapter 21, Title 36, Code of Alabama 1975.

SECTION 7. ARREST POWERS. No member of the reserve shall have any authority to exercise any power of arrest unless he or she has completed the training requirements of the Alabama Peace Officers' Standards and Training Commission as set out in Article 3, Chapter 21, Title 36, Code of Alabama 1975.

SECTION 8. ACTIVE DUTY. Members of the reserve shall be called to active duty by the chief of police with the written consent of the mayor.

SECTION 9. WEAPONS. The member of the reserve can carry a weapon while on active duty. The City of Margaret authorize reserve officers to carry weapons only if the member has obtained a properly issued permit for the firearm.

SECTION 10. COMPENSATION. No member of the reserve shall receive any compensation for time required by Reserve rules and regulations while on active duty.

SECTION 11. VIOLATIONS.

(1) It shall be a misdemeanor for any person not a member of the reserve to wear, carry or display a reserve identification card, badge, or cap, or in any way represent himself or herself to be connected with the reserve.

(2) It shall be a misdemeanor for any member of the reserve to loan, sell, lease, or otherwise permit any person not a member of the reserve to wear, carry or display a reserve identification card, badge or cap.

(3) It shall be a misdemeanor for any member of the reserve to assist any person not a member of the reserve to represent himself or herself as connected with the reserve.

SECTION 12. PENALTY. Any person found guilty of violating the provisions of Section 11 of this ordinance shall, upon conviction, be fined in an amount not exceeding five hundred dollars (\$500) or sentenced to imprisonment for not exceeding six (6) months; either or both, at the discretion of the court trying the cause.

Additionally, any member of the reserve charged with violating subsections (2) and (3) of Section 11 of this ordinance shall be suspended from the reserve pending a determination of guilt. Suspended reserve members must surrender their identification card, badge and cap to the chief of police. Reserve members who are convicted of violating subsections (2) and (3) of Section 11 of this ordinance shall immediately be removed from the reserve force. A person convicted of violating subsections (2) and (3) of Section 11 of this ordinance is not eligible for reappointment to the reserve.

ORDINANCE #15-0113

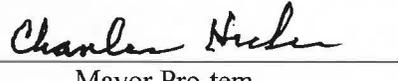
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
MARGARET, ALABAMA, AS FOLLOWS:

SECTION 13. EFFECTIVE DATE. This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS THE 13th DAY OF January, 2015



Mayor



Mayor Pro-tem



Councilman

Councilman



Councilman

Councilman

ATTEST:  City Clerk

ORDINANCE NO. 0514-15

WHEREAS, heavy trucks pose a safety hazard on Hunters Crossing Roads and cause public inconvenience, and

WHEREAS, it is in the public interest that a weight limit be imposed on trucks for Hunters Crossing Roads, Brookhaven DR, and Ridgefield DR.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Margaret, Alabama, a Municipal Corporation, as follows:

1. Trucks weighing more than 34,000lb are prohibited from traveling on any portion of Hunters Crossing Roads, Brookhaven Drive, and Ridgefield Drive.
2. It is ordered that appropriate signs be erected at the beginning and end of Hunters Crossing Road, Brookhaven Drive and Ridgefield Drive prohibiting trucks greater than 34,000lbs.
3. The following vehicles are exempt: School Buses, Emergency Vehicles, and Garbage Trucks.

PASSED AND ADOPTED this 1st day of June 2015.

Councilman: [Signature]

Councilman: [Signature]

Councilman: [Signature]

Councilman: [Signature]

Councilman: [Signature]

Councilman: _____

[Signature]
Isaac Howard III, Mayor

ATTEST:
[Signature]
Teja McIntyre Peoples, City Clerk

SCHEDULE OF FINES

First Offense carries a fine of: \$50.00

Second Offense carries a fine of: \$150.00

Third Offense carries a fine of: A mandatory court appearance

ORDINANCE NO. 1012-15

WHEREAS, the following surplus items are no longer needed by the City of Margaret

- A. 1986 F350 1 ton truck
- B. 2003 Crown Vic
- C. Air Compressor
- D. 2 tool boxes for a small truck
- E. 2003 Ford Expedition SUV

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of

Margaret, Alabama, a Municipal Corporation, as follows:

1. The Council authorizes the City of Margaret Public Works Department to place the following surplus items on GovDeals.com:
 - A. 1986 F350 1 ton truck
 - B. 2003 Crown Vic
 - C. Air Compressor
 - D. 2 tool boxes for a small truck
 - E. 2003 Ford Expedition SUV

2. Surplus items can be sold to the highest bidder on GovDeals.com with a minimum bid of:

1986 Ford F350 \$500.00
2003 Ford Victoria \$250.00
2003 Ford Expedition \$1000.00
Air Compressor \$800.00
Tool Boxes \$25.00

PASSED AND ADOPTED this 20 day of October 2015.

Councilman: Charles Eick

Councilman: _____

Councilman: James Chapman

Councilman: _____

Councilman: Bruce Wess

Councilman: _____

Isaac Howard III
Isaac Howard III, Mayor

ATTEST:

Teja McIntyre Peoples
Teja McIntyre Peoples, City Clerk

ORDINANCE NO. 2016-1206

AN ORDINANCE TO AMEND THE
SUBDIVISION REGULATIONS OF THE CITY OF MARGARET,
ALABAMA

WHEREAS, on December 6, 2016, a public meeting was held by the City Council (the "Council") of the City of Margaret, Alabama (the "City"), regarding a proposed amendment to the *Subdivision Regulations of the City of Margaret, Alabama*; and

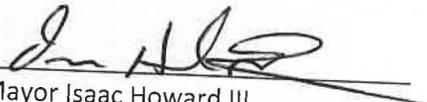
WHEREAS, the proposed amendment was recommended by the City of Margaret Inspections Department; and

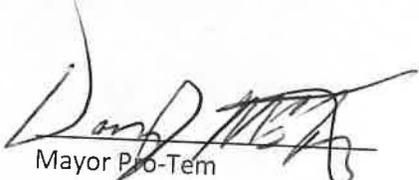
WHEREAS, the City has the authority to regulate the development of property and the completion of approved improvements within the City.

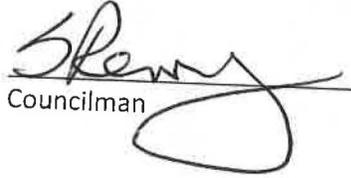
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Margaret, Alabama, while in regular session, on the 6th day of December, 2016, as follows:

- Section 1:** That Article Three, § 3.03 (2) *Financial Guarantee of Performance* is hereby amended as follows:
The guarantee of performance by the developer shall be in the form of a Certificate of Deposit ("CD"), and shall meet the following requirements:
- (a) The CD must be approved by the City Attorney, and shall list as owner or payee the developer and the City.
 - (b) The CD shall be in an amount not less than 150% of the total cost to cover the installation/construction of all required improvements including but not limited to utilities, roads, curbs, gutters, sidewalks, detention/retention ponds and other improvements as well as other fees encountered in the completion of subdivision improvements. The estimated cost shall be approved by the City Council/City Engineer.
 - (c) A copy of the CD shall be filed with the City Clerk.
 - (d) The CD shall be made by a bank or other depository institution doing business in the State of Alabama that is approved by the City of Margaret.
- Section 2:** That Article Three, § 3.03 (3) *Failure to Complete Work* is hereby amended as follows: If within twelve (12) months after filing said CD, the developer has not completed all necessary improvements or if in the opinion of the Inspections/City Council, improvements have not been satisfactorily installed, the funds of the CD shall be used by the City to complete the improvements in satisfactory fashion, or the City may take such steps as may be necessary to require performance of the developer.
- Section 3:** That all Ordinance or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- Section 4:** That this Ordinance shall become effective as provided by law after passage, approval and publication.

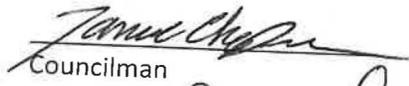
ADOPTED and APPROVED this the 3rd day of January , 2017


Mayor Isaac Howard III


Mayor Pro-Tem


Councilman


Councilman


Councilman


Councilman

Attest: 
Teja Peebles, Municipal Clerk

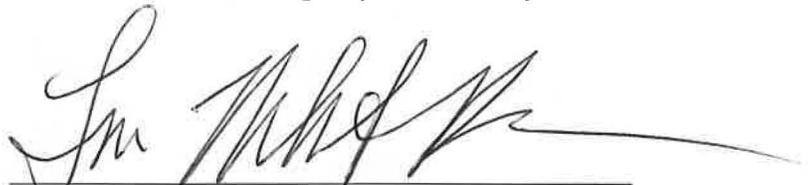
State of Alabama
St Clair County
City of Margaret

Clerk's Certificate

I, the undersigned, do hereby certify that: (1) am duly qualified clerk of the City of Margaret, Alabama the "Municipality", (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of it record on it behalf, (3) the foregoing pages constitute a complete Resolution of the City of Margaret, the original of which is on file in the Ordinance book in my custody. (4) the form of Ordinance #2016--1206 set forth in such is a complete copy of such Resolution is in full force and effect and as not been repealed amended or changed, (6) a true and correct copy of Ordinance was posted on January 5, 2017 at the following places in the City of Margaret:

- (a) Margaret City Hall
- (b) Sanie Foodmart
- (c) Margaret Food Mart

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 5th day of January, 2017.


Clerk of the City of Margaret, Alabama

ORDINANCE NO. 2017-0123

WHEREAS, the following surplus items are no longer needed by the City of Margaret

2005 Chevy Pickup Truck

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of

Margaret, Alabama, a Municipal Corporation, as follows:

1. The Council authorizes the City of Margaret Public Works Department to place the following surplus items on GovDeals.com:

Chevy Pickup Truck

2. Surplus items can be sold to the highest bidder on GovDeals.com with a minimum bid of:

Chevy Pickup Truck \$750.00

PASSED AND ADOPTED this 21st day of February 2017.

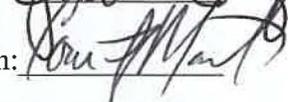
Councilman:



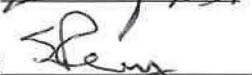
Councilman:



Councilman:

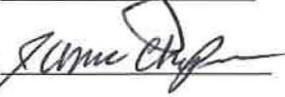


Councilman:



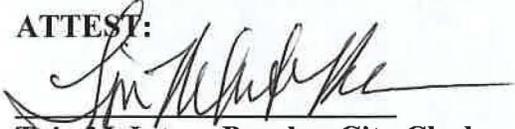
Councilman: _____

Councilman:




Isaac Howard III, Mayor

ATTEST:



Teja McIntyre Peeples, City Clerk

FLEA MARKETS ORDINANCE 2018-0618

Be it ordained by the City of Margaret, as follows:

The City of Margaret realizing the need to regulate the gathering of persons to offer personal property for sale or exchange does hereby issue this ordinance for the purpose of setting forth the guidelines for gatherings such as flea markets within the City of Margaret.

Flea Markets

Definitions

“Flea Market” means an event:

1. Wherein two or more entities or persons offer personal property for sale or exchange;
2. Wherein a fee is charged for the privilege of offering or displaying personal property for sale or exchange or;
3. Wherein a fee is charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange.
4. Regardless of the number of persons or entities offering or displaying personal property or in the absence of fees being charged, at which used personal property is offered or displayed for sale or exchange, and the event is held more than 4 times in any 12-month period.

The term “flea market” is interchangeable with and applicable to “swap meet,” “indoor swap meet,” or other similar term regardless of whether these events are held inside a building or out in the open.

“Family” is defined as a married couple with children or a single parent with children.

The term flea market SHALL NOT apply to:

1. An event which is organized for benefit of any community chest, fund, foundation, association or corporation organized and operated for religious, educational or charitable purposes, provided that no part of an admission fee or parking fee is charged to vendors or prospective purchasers or the gross receipts or net earning from the sale or exchange of personal property, whether in the form of a percentage of the receipts or earnings, as salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event; or
2. Any event at which all of the personal property offered for display or sale is new, and all persons selling, exchanging, or offering of displaying personal property for sale or exchange are manufacturers, licensed retailers, or wholesale merchants.

“Personal Property” is defined as merchandise, wares, fabrics, material, furniture, clothing, shoes and other articles of commerce. Provided, however, that used personal property shall not include the sale of motorized vehicles or boats.

Permitted Exceptions

1. The provisions of the fee do not apply to sales made by dealers, traders, manufacturers, merchants, or businesses at their established places of business.
2. The provisions of the fee do not apply to any sidewalk sale, flea market, arts and craft show or other merchandise on the public sidewalks, walkways, or other open areas at the invitation of or as a party of downtown promotional activities of the downtown development authority or an organization licensed to do business as a charity under Alabama law.
3. The provisions of this fee shall not apply to sales made by fruit or produce stands or sales of carnival type products such as snow cones or cotton candy which are not normally sold by restaurants.

Fee schedule

Licensees under the section of the license ordinance shall pay a fee of one hundred dollars (\$100.00) for the first table (size limit 8 feet x 4 feet), at the flea market and three dollars (\$3.00) a day for each additional table or booth. This license is **NON-TRANSFERABLE**.

So, Ordained by the Mayor and Council of the City of Margaret, Alabama, this 24th day of July, 2018. This ordinance becomes effective upon first publication.

Councilman: 

Councilman: _____

Councilman: _____

Councilman: 

Councilman: 


Mayor Isaac Howard, III


Teja McIntyre Peeples, City Clerk

Certification of Adoption

I hereby certify that the attached was duly adopted by the Margaret City Council in regular session assembled on the 25th day of July, 2018 and is recorded in the official minutes of the Margaret City Council.

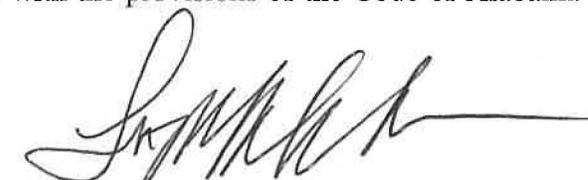


City Clerk

I, Teja M. Peebles, City Clerk for the City of Margaret, Alabama, hereby certify that this Business license ordinance amendment was published in these three places: City Hall, Margaret Post Office and Margaret Food Mart in accordance with the provisions of the Code of Alabama (1975) Section 1-45-8.

7/25/18

Date



City Clerk

Official Seal

ORDINANCE NO. 2019-0204

PURSUANT TO THE PROVISIONS OF CODE OF ALABAMA 1975, SECTIONS 11-51-200 THROUGH 11-51-207, THIS ORDINANCE AMENDS ORDINANCE 2012-10-09 LEVING A PRIVILEGE, LICENSE OR EXCISE TAX AGAINST PERSONS, FIRMS, OR CORPORATIONS STORING, USING, OR OTHERWISE CONSUMING OR ENGAGED IN THE BUSINESS OF SELLING AT RETAIL TANGIBLE PERSONAL PROPERTY OR CONDUCTING PLACES OF AMUSEMENT IN THE CITY OF County Line, ALABAMA, AND ITS POLICE JURISDICTION; PROVIDES FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

Pursuant to the provisions of Code of Alabama 1975, Sections 11-51-200 through 11-51-207, be it ordained by the City Council of the City Margaret of Saint County, in the State of Alabama, that Ordinance 2012-10-09 is amended to read in its entirety as follows:

Section 1. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation, (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged or continuing within the City of County Line in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft and commercial fishing vessels of over five (5) tons load displacement as registered with the U. S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources), an amount equal to Two percent(2%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer on the gross sales of the business.

(b) Upon every person, firm or corporation engaged or continuing within the City, in the business of conducting, or operating, places of amusement or entertainment,

billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within the City, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or City school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the City, an amount equal to Two percent (2%) of the gross receipts of any such business. Provided, however, not withstanding any language to the contrary in the prior portion of this subsection, the tax provisions so specified shall not apply to any athletic event conducted by a public or private primary or secondary school. The tax amount, which would have been collected pursuant to this subsection, shall continue to be collected by said public or private primary or secondary school but shall be retained by the school which collected it and shall be used by said school for school purposes.

(c) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, an amount equal to Two percent (2%) of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto an amount equal to Two percent (2%) of the gross proceeds of sale of said automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$10.00 per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or

used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to Two percent (2%) of the gross proceeds of the sale thereof. Provided, however, the Two percent (2%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(f) Upon every person, firm or corporation engaged or continuing within the City in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefore, there is hereby levied a tax equal to Two percent (2%) of the retail selling price of such food, food products and beverages sold through such machines.

Section 2. Levy of the Tax in Police Jurisdiction. Upon every person, firm or corporation engaged in the doing of an act, or who shall do an act, or continuing in the doing of an act, or engaged in the operation of any business, or who shall engage in the operation of any business, within the police jurisdiction of the City but beyond the corporate limits of said City for which or upon which a privilege or license tax is in this ordinance levied or required within the corporate limits of the City, there is hereby levied, in addition to all other taxes of every kind now imposed by law or by municipal ordinance, to be collected as herein provided for the privilege or license taxes herein levied within the corporate limits of the City a privilege or license tax equal to one-half of that provided, levied or required in this ordinance for the doing of such act, or the engaging or continuing therein, or the engaging or continuing in the operation of such business within the corporate limits of the City. Provided further, that except for the amount of the privilege or license tax herein levied within the police jurisdiction of said City but without the corporate limits thereof, all the provisions of this ordinance extend and apply to all the area within the police jurisdiction of the City.

Section 3. Provisions of State Sales Tax Statutes Applicable to this Ordinance and Taxes herein levied. This ordinance and the taxes levied herein shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, rules and regulations promulgated under the Alabama Administrative Procedure Act, direct pay permit and drive-out certificate procedures, statute of limitation, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the State Sales Tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State Sales Tax statutes for enforcement and collection of taxes.

Section 4. (a) An excise tax is hereby imposed on the storage, use or other consumption in the City, of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other watercraft and commercial fishing vessels of over five (5) tons load displacement as registered with the U. S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources) purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the City/City, except as provided in subsections (b), (c), and (d), at the rate of Two percent(2%) of the sales price of such property within the corporate limits of said City/City.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the City, of any machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property purchased at retail on or after the effective date of this ordinance at the rate of Two percent(2%) of the sales price of any such machine; provided, that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in the City on any automotive vehicle or truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the City at the rate of Two percent (2%) of the sales price of such automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies within the corporate limits of said City. Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the City of any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the City at the rate of Two percent (2%) of the sales price of such property within the corporate limits of said City, regardless of whether the retailer is or is not engaged in the business in this City. Provided, however, the Two percent (2%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(e) An excise tax is hereby imposed on tangible personal property at one-half the rates specified in subsections (a), (b), (c), and (d) of this section on the storage, use or other consumption of such tangible personal property outside the corporate limits of the City, but within the police jurisdiction.

Section 5. Provisions of State Use Tax Statutes Applicable to this Ordinance and Taxes Herein Levied. This ordinance and the taxes levied herein shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, rules and regulations promulgated under the Alabama Administrative Procedure Act, direct pay permit and drive-out certificate procedures, statute of limitation, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the State Use Tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State Use Tax statutes for enforcement and collection of taxes.

Section 6. Use of Proceeds. The proceeds from the tax herein levied remaining after payment of the costs of collecting said tax, including all charges of the administration for such collection and paid over to and received by the City shall be distributed to the City of County Line for the use of _____.

Section 7. Severability. 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 and invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

Section 8. Effective Date. This ordinance shall become effective on the first day of March, 2019, and the first payment of taxes hereunder shall be due and payable on the twentieth day of _____, 2019.

ADOPTED AND APPROVED this 5th day of February, 2019.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2019-0205

AN ORDINANCE OF THE CITY OF MARGARET
GRANTING A SEWER FRANCHISE TO
THE GOVERNMENTAL UTILITY SERVICES CORPORATION OF MOODY

BE IT ORDAINED by the Mayor and the City Council of the City of Margaret, Alabama, as follows:

1. The words "the City" as used herein mean the City of Margaret, in the State of Alabama, as it is now constituted and as it may hereafter be extended or enlarged.
2. The words the "PUBLIC SEWER CORPORATION" as used herein mean the Governmental Utility Services Corporation of Moody, a public corporation, its successors and assigns.
3. The words the "Margaret Sewer System" or the "Margaret System" as used herein mean the entire sanitary sewer system currently owned by the Public Sewer Corporation, together with all improvements and appurtenances, all water storage facilities, riparian rights, standpipes, including systems, facilities, pumping stations, pipelines, manholes, transmission mains, meters, service lines, hydrants, valves, fittings, collection lines, outfall lines, lift stations, and other, usual component parts of a sanitary sewer system related thereto, and further including, but not limited to, the collection system and trunk lines, which form a part of, or pertain to, the Margaret System; all permits, easements, rights-of-way, crossing agreements, contracts, privileges, immunities, franchises, and licenses which are used or are to be used by the Public Sewer Corporation in the operation of the Margaret System; together with all property, rights and privileges, whether real, personal or mixed, and whether tangible or intangible, that the Public Sewer Corporation may acquire during the Term of this Agreement as a part of, or as an improvement to, or extension of the Margaret System, and any extensions thereof and additions thereto. The Margaret System, as so defined, shall be owned by the Public Sewer Corporation.
4. Pursuant to Article XII, Section 228, Constitution of Alabama, 1901, and in accordance with the provisions hereof, there is hereby granted to the Public Sewer Corporation for a period of thirty (30) years, the right, privilege, authority, consent and franchise to acquire, own, maintain, construct, or enlarge within the City a sanitary sewer collection system, together with the right, privilege, authority, consent, and franchise to lay, construct and maintain pipes, mains and other conductors, fixtures and related appurtenances in, along, across and under the streets, avenues, alleys, public ways and other public places in the City for the purpose of conveying and collecting sewage in and through the City, and to repair, renew, relay and extend such pipes, mains, conductors, fixtures and related appurtenances, and to make all excavations necessary therefor.

5. The Public Sewer Corporation shall, and by accepting this franchise agrees that it will, upon making any excavation of the streets, avenues, alleys, public ways, and other public places of the City, restore the surface or paving at the point of such excavation in substantially the same condition as before such work was done, all as promptly as may be practical and within a reasonable length of time thereafter.

6. This franchise is not exclusive and the City reserves the right to grant rights or franchises to others, and reserves its own right as a municipality to use the road rights of ways for the same or different purposes allowed the Public Sewer Corporation hereunder, by franchise, permit or otherwise.

7. The right, privilege, authority, consent, and franchise hereby granted may be exercised by the Public Sewer Corporation or any successors or assigns of the Public Sewer Corporation and may be assigned, mortgaged or conveyed in trust by the Public Sewer Corporation as security for any bonds or other obligations thereafter issued by it, all subject nevertheless to the conditions and obligations herein contained.

8. The Public Sewer Corporation (or any service Provider contracted by the Public Sewer Corporation to operate and maintain the Margaret System) shall levy a utility tax of three percent (3%) of the monthly User Fee (as described in Exhibit A) charged to a Customer within the City of Margaret and shall remit all monies collected pursuant thereto to the City.

9. The Public Sewer Corporation (or any service Provider contracted by the Public Sewer Corporation to operate and maintain the Margaret System) shall pay to the City royalty or special fee of three percent (3%) of the monthly User Fee charged to a Customer outside the City of Margaret whose sewage is treated at the plant within the City and shall remit all monies collected pursuant thereto to the City.

10. The Impact Fees to be charged for commercial and residential users upon the effective date of this Franchise shall be set by the Public Sewer Corporation. The Public Sewer Corporation shall have the right to request an adjustment in the Impact Fee annually, and such adjustment shall be subject to the approval of the City (which approval shall not be unreasonably withheld) and the adjustment shall be applied uniformly to all similarly-situated Customers served by the Margaret Sewer System subject to any agreements on impact fees entered into by AUS prior to the grant of this franchise. The Impact Fee adjustment shall take into consideration the cost of materials for new Facilities, maintenance of the Facilities, and regulatory requirements or and requirements imposed by other agencies with the jurisdiction to impose such requirements.

11. The User Fees for the Margaret System to be charged for commercial and residential users upon the effective date of this Agreement shall be set by the Public Sewer Corporation and with the approval of the City (such approval shall not be unreasonably withheld) as described in Exhibit "A" and incorporated herein by reference. The rates as described in Exhibit A are authorized by the City. Subject to any agreements regarding User Fees entered

into by AUS or the Public Sewer Corporation prior to the grant of this franchise, the Public Sewer Corporation shall have the right to request an adjustment in the User Fees annually, subject to the approval of the City (which approval shall not be unreasonably withheld) if such request is for a rate greater than the rates described in Exhibit A; except that the Public Sewer Corporation may raise rates without the approval of the City if (i) an increase in rates is necessary or required by any bond or financing covenant or requirement and (ii) if necessary to meet capital improvement, operating and/or maintenance costs. All adjustments shall be applied uniformly to all similarly-situated Customers served by the Margaret Sewer System.

12. The Margaret System shall be managed so as to ensure that impact fees and user fees are reasonable and not in excess of comparable charges for sewer systems in north-central Alabama. The parties further agree that such management is intended: (i) to ensure that the Facilities receive proper care and funding and (ii) to ensure that the environment and public health and safety are protected. The rate base for operation of the Facilities shall provide adequate funds to pay for routine operation, maintenance and management costs, as well as adequate capital replacement funds to replace equipment integral to the Facilities at the end of their normal design life.

13. All disputes arising under this Franchise, or any instrument, document or agreement attached hereto or referred to herein shall be resolved by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association. Arbitration shall be by a single arbitrator experienced in the matters at issue and selected jointly by the parties. If the parties are unable to reach an agreement as to the selection of an arbitrator, the arbitrator shall be selected in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The arbitration shall be held in such place in St. Clair County, Alabama as may be specified by the arbitrator (or at any other place agreed to by the parties and the arbitrator). The decision of the arbitrator shall be final and binding; provided, however, if necessary, such decision may be enforced by any court of record having jurisdiction over the subject matter and over the parties to this Agreement. All costs and expenses incurred in any arbitration proceeding (including reasonable attorneys' fees) shall be borne by the party against which the decision is rendered, or if no decision is rendered, such costs and expenses shall be borne equally by the Public Sewer Corporation and the City. If the arbitrator's decision is a compromise, the determination of which party shall bear the costs and expenses incurred in connection with the arbitration proceeding shall be made by the arbitrator on the basis of the arbitrator's assessment of the relative merits of the parties' positions.

14. If the Public Sewer Corporation declines to expand or extend trunk or collection lines or to construct new or additional facilities, then the City shall have the option to construct the additional Facilities, at its expense. In such case, the City agrees to work in good faith with the Public Sewer Corporation in designing such expansion, which shall be constructed (including reimbursing to the Public Sewer Corporation all design costs incurred by the Public Sewer Corporation) by the City at its expense and with such financing as it may secure.

15. The City shall assist the Public Sewer Corporation in obtaining such land rights, including rights of way, easements, and leases on properties where such rights would facilitate an expansion of the Margaret System. The City recognizes that certain Margaret System facilities and sewers are currently located in the right of way of roads which are maintained by the City, St. Clair County or the State of Alabama and agrees to act on behalf of the Public Sewer Corporation in a timely manner to obtain approvals so that the Public Sewer Corporation can make repairs, improvements, or modifications to such Margaret System facilities and sewers, or to make borings, or expand the Margaret System for the public good. It is agreed that all costs associated with the procurement and maintenance during the term hereof of said land rights shall be borne by the Public Sewer Corporation, including, but not limited to surveys, title searches, attorney's fees, acquisition fees, annual rentals, and the like.

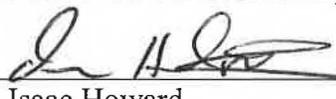
16. When this Franchise shall have been accepted by the Public Sewer Corporation, it shall constitute a contract between the City and the Public Sewer Corporation.

17. All ordinances, resolutions and orders or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

18. The Mayor and all other officers of the City are hereby authorized and directed to execute, deliver, seal and attest such other agreements, undertakings, documents and certificates and to take such other actions on behalf of the City as may be necessary to consummate and carry out fully the transactions contemplated by this ordinance.

ORDAINED and ADOPTED this the 5th day of February, 2019.

THE CITY OF MARGARET, ALABAMA

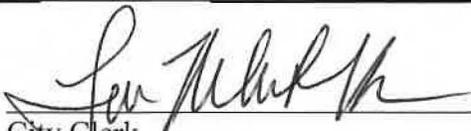

By: Isaac Howard
Its: Mayor

ATTEST


City Clerk

CERTIFICATION

I, TEJA PEEPLES, City Clerk of the City of Margaret, Alabama, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2019 0205, as adopted by the Margaret City Council at a meeting of the City Council Meeting on the 5TH day of FEBRUARY, 2019.


City Clerk

ORDINANCE NO. 2019-0326

AN ORDINANCE TO LEVY LICENSE TAXES FOR THE SALE, STORAGE, OR DELIVERY OF TOBACCO PRODUCTS WITHIN THE CORPORATE LIMITS OF THE CITY OF MARGARET, ALABAMA.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARGARET, ALABAMA, AS FOLLOWS:

SECTION 1. DEFINITIONS.

Unless the context clearly indicates a different meaning, the following words and phrases wherever used in this Ordinance shall have the meanings ascribed to them in this section:

(a) **Dealer:** Any wholesale or retail dealer as hereinafter defined.

(b) **Wholesale Dealer and Jobber.** Any person, firm, corporation, club, association or other entity who sells at wholesale only within the City of Margaret, Alabama, any one or more of the tobacco products taxed herein to licensed retail dealers for the purpose of resale only.

(c) **Retail Dealer:** Any person, firm, corporation, club, association or other entity, other than a wholesale dealer, who shall sell or offer for sale any one or more of the tobacco products taxed herein, regardless of quantity or amount, or the number of sales; and all persons operating under a retail dealer's license.

(d) **Storer:** Any person, firm, corporation, club, association or other entity who ships or causes to be shipped or received tobacco products into the City of Margaret and stores same in any manner and withdraws or uses the same for any purpose other than for resale or reshipment outside the City of Margaret, Alabama.

(e) **Retail Price:** The usual retail selling price of the article before adding the amount of the tax assessed herein or the tobacco tax assessed by the State of Alabama.

(f) **Stamps:** The stamp or stamps by the use of which the tax levied on cigarettes under this ordinance is paid.

(g) **Tobacco Products:** All products, including, but not limited to, little cigars, cheroots, stogies, cigars, cigarettes, smoking tobacco, chewing tobacco and snuff, derived from tobacco.

(h) **Sale:** Any transfer of possession, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a consideration or any agreement therefor, including rewards or prizes of tobacco products on punch boards, shooting galleries, premiums, etc.

(i) Wherever the context requires, the plural shall include the singular and the singular the plural.

SECTION 2. TAX LEVY.

(a) In addition to all other taxes of every kind now imposed by law, each person, firm, corporation, club, association or other entity within the corporate limits of the City of Margaret, who sells or stores or receives tobacco products for the purpose of distribution to any person, firm, corporation, club, association or other entity within the City shall pay to the City a license or privilege tax on said tobacco products in the following amounts:

(1) **Little Cigars.** - Upon cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three (3) pounds per 1,000: \$.01 for each cigar.

(2) **Cigars, Cheroots, Stogies, etc.** - Upon cigars of all descriptions made of tobacco, or any substitute therefor except as described and taxed in subdivision (1): \$30.00 per 1,000.

(3) **Cigarettes.** - Upon all cigarettes made of tobacco, or any substitute therefor: \$.10 upon each package of twenty (20) or fractional part thereof.

(4) **Smoking Tobacco.** - Upon all smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette: \$.10 per package not exceeding three (3) ounces, plus \$.05 per ounce or fractional portion thereof exceeding three (3) ounces.

(5) **Chewing Tobacco.** - Upon all chewing tobacco prepared in such manner as to be suitable for chewing only and not suitable for smoking as described and taxed in subdivision (4) of this subsection: \$.10 per package not exceeding three (3) ounces, plus \$.05 per ounce or fractional part thereof in excess of three (3) ounces.

(6) **Snuff.** - Upon each tin, bag, box or pouch of snuff: \$.10 per package not exceeding two (2) ounces, plus \$.05 per ounce or fractional part thereof exceeding two (2) ounces.

SECTION 3. DESIGN OF STAMPS FOR CIGARETTES.

Each such stamp shall have inscribed thereon the words "City of Margaret, Alabama - Tobacco Tax", but said words need not be arranged in the foregoing order and may be abbreviated.

SECTION 4. METHOD AND TIME OF AFFIXING STAMPS TO CIGARETTES.

(a) The tax herein levied shall be paid to the City of Margaret by purchasing and affixing stamps in the manner and at the time as herein provided. The retail dealer, when purchasing stamps, must provide to the City of Margaret a copy of the retail dealer's invoice of purchased tobacco products and must purchase sufficient stamps for those products.

(b) In the case of cigarettes, the stamps shall be affixed to each individual package of twenty (20) cigarettes.

(c) The stamping of the packages of twenty (20) cigarettes shall actually begin within one (1) hour after receipt of the cigarettes within the corporate limits of the City of Margaret, and shall be continued with reasonable diligence by the wholesale or retail dealer until all of the unstamped cigarettes have been stamped and the stamps cancelled as provided by law, but no stamps required to be affixed shall, after the same have been affixed as herein provided, be again used in payment of any part of the tax levied hereunder. (Such stamps shall be affixed in such manner that their removal will require continued application of water

or steam.) The stamps shall be affixed to each individual package in such manner that same shall be torn in two or mutilated when such package is opened.

(d) Any consumer who purchases or receives in any manner whatsoever any cigarettes which do not have the stamps affixed as required by this ordinance shall within three (3) days after receipt of such tobacco products report the receipt and purchase of said tobacco products to the City Clerk, giving the date of purchase or receipt and the name and address of the person or firm from whom purchased or received. Such report shall be by certified mail or in person.

SECTION 5. DISCOUNT TO WHOLESALE DEALERS FOR CIGARETTE STAMPS.

(a) Such stamps may be sold to the wholesale dealer only by the City Clerk or his/her agent at a price equal to ninety (90%) percent of the full amount thereof, the remaining ten (10%) percent of such amount representing compensation to the wholesale dealer for the labor of affixing them to the cigarette packages. All other persons, dealers, firms, corporations, club, associations or other entities must pay the full-face amount of the stamps. However, no person, firm, corporation, club, association, entity or dealer, either wholesale or retail, shall be entitled to purchase any such number of stamps as would cause the purchase price to include the fraction of a cent.

SECTION 6. STAMP ACTS PROHIBITED.

(a) It shall be unlawful for any person, dealer, firm, corporation, club, association or other entity to fail to affix stamps or to cancel such stamps in the manner or within the time required herein, and it shall be unlawful for any person, dealer, firm, corporation, club, association or other entity to sell, offer for sale or delivery within the City of Margaret any cigarettes to which stamps have not been affixed and cancelled as provided herein.

(b) It shall be unlawful for any dealer to have in his possession or under his control for more than six (6) hours after receipt of such products on the premises of such dealer any cigarettes not properly stamped as required by this ordinance. Provided, however, this subsection shall not apply to cigarettes in the possession of wholesale dealers or jobbers for the purpose of resale or reshipment outside the City of Margaret and which products are actually to be resold or reshipped. The possession of each article or commodity not having the proper stamps affixed thereto as required herein shall be deemed a separate offense.

(c) It shall be unlawful to manufacture, buy, sell or offer for sale, possess or attempt to possess any reproduction or counterfeit of the stamps provided for herein or to possess tools, implements, instruments or materials of any kind necessary or appropriate to reproduce or counterfeit such stamps or to alter or cause to be altered any stamps herein provided for.

(d) It shall be unlawful to remove from a package or otherwise prepare any stamp with intent to use or cause the same to be used after it has been already used, or to buy, sell, offer for sale or give away any washed, removed, altered or restored stamp to any person for the purpose of indicating the payment of any tax due hereunder or to have the possession of any such washed, removed, restored or altered stamp, and it shall be unlawful to reuse any stamp which has been used for the payment of any tax provided hereunder.

(e) With the exception of the City Clerk, it shall be unlawful to sell any stamp provided for herein.

(f) No box, package or container from which cigarettes theretofore tax-paid have been removed shall be reused or refilled with cigarettes.

SECTION 7. TAX PAYMENT DATE; REPORTS; DISCOUNT FOR PROMPT PAYMENT; DELINQUENT DATE.

(a) With the exception of taxes paid via cigarette stamps, all other taxes levied under this ordinance shall be due and payable on the 1st day of each month next succeeding the month in which the taxes accrue. On the first day of each month, each person, firm, corporation, club, association or other entity on whom the amounts levied by this ordinance are imposed shall render to the City, on a form prescribed by the City, a true and correct statement showing the quantity of tobacco products sold for the then preceding month, together with copies of the invoices or sales receipts of such products, which provide the dates of purchase, the names and addresses of the persons or firms from whom purchased or received, and the quantities of each particular item of tobacco product purchased or received by the retail dealer, and such other information as the City may require. At the time of making such monthly report, said retail dealer shall compute the taxes due and shall pay to the City the amount of taxes shown to be due.

(b) A discount equal to two (2%) per cent of the total amount of taxes due pursuant to this Ordinance, not to exceed Fifty Dollars (\$50.00), shall be allowed to each taxpayer upon the filing of the monthly report and upon payment of the amount of taxes due (minus the applicable discount) on or before the 10th day of the month or, in the event of mail remittance, the payment and report must be postmarked on or before the 10th day of the month in which taxes are due.

(c) No discount shall be allowed to any taxpayer making a partial payment of taxes due on or before the 10th day of the month.

(d) Any report not submitted and taxes due not paid by the 20th day of each month in which the taxes are due shall be delinquent, and in the event of mail remittance, the payment and report must be postmarked on or before the 20th day of the month in which the taxes are due. A penalty shall be assessed in an amount equal to ten (10%) per cent of the taxes owed or Fifty Dollars (\$50.00), whichever is greater; and, in addition, interest and penalties will accrue on the amount of taxes due at the rate of one (1%) percent per month or fractional part thereof until paid.

SECTION 8. RECORDS.

(a) It shall be the duty of every wholesale dealer, at the time of selling and delivering any tobacco products enumerated herein into the City of Margaret, to make a true duplicate invoice of the same. Such invoice shall show full and complete details of the sale and delivery of the tobacco products and shall be retained by the dealer for a period of three (3) years. All such invoices shall be subject to audit and inspection by the City Clerk or his/her duly authorized agent at any and all times.

(b) Wholesale and retail dealers shall also keep a record of the purchase, sale, exchange and receipt of all the tobacco products and hold all books, records, cancelled checks and other memoranda pertaining to such purchase, sale, exchange and receipt for a period of three (3) years. All such books, records, cancelled checks and other memoranda shall be subject to audit and inspection by the City Clerk or his/her duly authorized agent at any and all times.

SECTION 9. PENALTY.

Any person, firm, corporation, club, association or other entity violating any of the provisions of this ordinance shall, upon conviction, and in addition to any other penalties provided in this ordinance, be punished by a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) and may be incarcerated not more than six (6) months. Each violation of this ordinance shall constitute a separate offense.

SECTION 10. APPLICATION.

(a) This ordinance shall not be applied so as to impose any unlawful tax or unlawful burden on interstate commerce or any business of the United States Government or any branch or agency thereof.

(b) This ordinance shall not apply to tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside the City of Margaret and which are actually so resold or reshipped.

(c) Whenever the requisite number of stamps required herein has been affixed to the cigarettes, this ordinance shall not require additional stamps to be affixed thereto in case of subsequent sales, deliveries or storage.

SECTION 11. SEVERABILITY.

Each and every provision of this ordinance is hereby declared to be an independent provision thereof, and should any provision be declared void or invalid, it shall not affect any other provision hereof. It is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

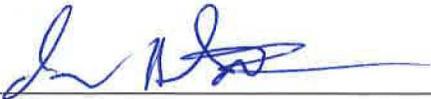
SECTION 12. CONFLICTING ORDINANCES.

All ordinances or parts of ordinances insofar as the same conflict with the provisions of this ordinance are hereby repealed.

SECTION 13. EFFECTIVE DATE.

This ordinance shall become effective immediately upon its publication as required by law, and the first payment of taxes hereunder shall be due and payable on June 1, 2019.

Adopted and approved this 26th day of March, 2019.



Isaac Howard, Mayor

ATTEST:



Teja Peeples, City Clerk

I, Teja Peeples, City Clerk of the City of Margaret, Alabama, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Margaret at a regular meeting held on the 26th day of March, 2019, and that the same has been published in accordance with law in 3 places..



Teja Peeples, City Clerk

ORDINANCE NO. 2019-0415

WHEREAS, the following surplus items are no longer needed by the City of Margaret

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of

Margaret, Alabama, a Municipal Corporation, as follows:

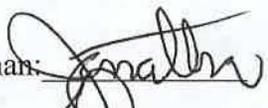
1. The Council authorizes the City of Margaret Public Works Department to place the following surplus items on GovDeals.com:
 - A. 2007 Ford F150
 - B. 1999 GMC Sonoma
 - C. 1965 Mack Fire Truck

2. Surplus items can be sold to the highest bidder on GovDeals.com with a minimum bid of:

1999 GMC Sonoma \$1500.00
2007 Ford F150 \$1500.00
1965 Mack Fire Truck \$1500.00

PASSED AND ADOPTED this 16th day of April 2019.

Councilman:



Councilman:



Councilman:



Councilman:



Councilman:



Councilman:




Isaac Howard III, Mayor

ATTEST:



Feja McIntyre Peoples, City Clerk

ORDINANCE NO. 2019-0723

WHEREAS, the City of Margaret deems it necessary to establish a *Preferential right-of-way as indicated by 3-way stop signs located at the intersection of Brookhaven Dr. and Americana Dr. as authorized in Section 32-5A-113*.

WHEREAS, the City of Margaret deems it necessary to encourage the effective use of stop signs as a means of communications in the City of Margaret, to maintain and enhance the aesthetic environment and the city's ability to improve pedestrian and traffic safety, to minimize the possible adverse effects on nearby public and private property; and, to enable the fair and consistent enforcement of these regulations.

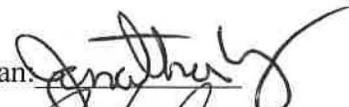
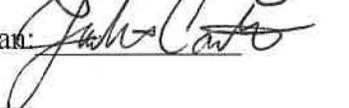
NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Margaret, Alabama, a Municipal Corporation, as follows:

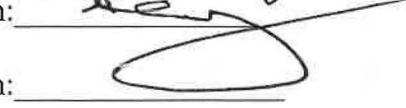
1. The Council authorizes the City of Margaret Public Works Department to place the a 3-way stop sign at the intersection of Brookhaven Dr. and Americana Dr.
2. Except when directed to proceed by a police officer every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.
3. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection or junction of

roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his or her failure to yield right-of-way.

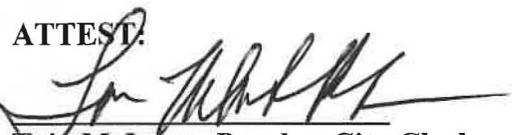
4. The Stop Sign will be regulated by the Margaret Police Department and all violators will be subject to the penalties that are already established by the City of Margaret

PASSED AND ADOPTED this 23 day of July 2019.

Councilman: 
Councilman: 
Councilman: _____

Councilman: 
Councilman: 
Councilman: _____


Isaac Howard III, Mayor

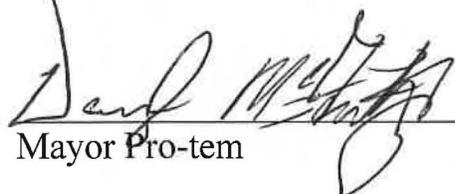
ATTEST:

Teja McIntyre Peoples, City Clerk

WAIVER

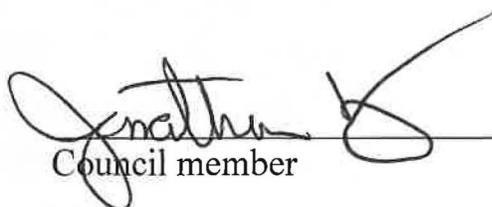
We, the undersigned, being all of the members of the City Council of the City of Margaret, Alabama, a municipal corporation. Do hereby waive all notice of time, purpose and place of the regular meeting of the City Council, called to be held on Tuesday July 22, 2019 at the Margaret City Hall at 6:00 p.m., and do hereby ratify and approve the action taken at such meeting, of which the forgoing is the minutes.



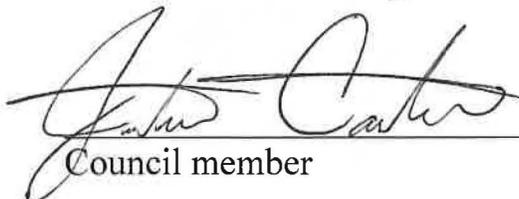
Mayor



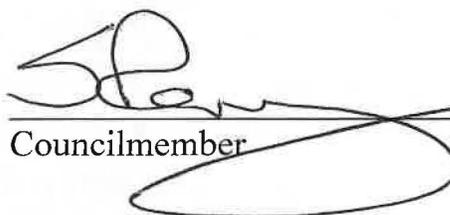
Mayor Pro-tem



Council member



Council member



Councilmember

Councilmember

Attest:



City Clerk

**Ordinance Amending City Code Section 34-33
Regarding Voting Places**

WHEREAS, the voting place in Margaret has been located at 125 School St, Margaret, AL, 35112;

WHEREAS, use of Town Hall has been discontinued by the City of Margaret and WHEREAS The City of Margaret as constructed a new building because the old Town Hall has been converted to the Public Works building, and problems with parking, and lack of capacity have made the location unfeasible for use in future elections, creating a need to change the voting place; and

WHEREAS, the City of Margaret owns and operates the City Hall located at 825 Woodland Circle Odenville, AL 35120 and is willing for the facility to be used as a polling place for municipal elections;

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

Section 1. Section 34-33 of the Code of Ordinances is amended to read as follows:

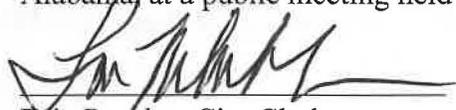
Sec. 34-33. Voting places.

Municipal elections shall be conducted at the following voting place:

City of Margaret City Hall located at 825 Woodland Cir Odenville, AL 35120

Section 2. The section, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any section, subsection, paragraph, sentence, clause and phrase of this ordinance is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this ordinance. The City Council declares that it is its intent that it would have enacted this ordinance without such invalid or unconstitutional provisions.

I hereby certify that this ordinance was duly adopted by the City Council of Margaret, Alabama at a public meeting held on 7TH day of JANUARY, 2020.


Teja Peebles, City Clerk


Isaac Howard, Mayor

ORDINANCE NO. 2019-1119

WHEREAS, the City of Margaret has numerous subdivision developments within its municipal boundaries; and,

WHEREAS, developers, builders, and property owners are repeatedly seeking to establish a new subdivision, or amend a previously accepted and recorded plat of a subdivision, or seek to add additional property to a subdivision within the City of Margaret; and,

WHEREAS, the responsibility and issues relating to subdivisions are complex, numerous, and sensitive causing the governing body excessive amounts of time in reviewing, considering, debating and determining what is best for the City of Margaret.

NOW, THEREFORE, the City of Margaret does hereby establish the following rate schedule for any and all subdivision creations, modifications, or amendments made after December 1, 2019:

- | | |
|---|-------------|
| a) Preliminary Plat Approval | \$ 1,000.00 |
| b) Final Plat Approval | \$ 1,000.00 |
| c) Modification of Previous Approved and Recorded Plat | \$ 1,000.00 |
| d) Addition of Real Property to Previous Approved and Recorded Plat | \$ 500.00 |

Said fees are to be submitted with three copies of a detailed drawing or map of the requested action and must be submitted fourteen (14) days before any scheduled meeting of the Council to address such request. The application fees shall be made payable to the Clerk of the City of Margaret and must be prepaid before consideration of any application.

In addition, any and all adjoining landowners of the property at issue shall also be notified by Certified Mail, at the address shown on the records of the Revenue Commissioner of St. Clair County, Alabama, such notification to be mailed fourteen (14) days prior to the meeting of the Council wherein the application will be addressed. The cost of such notice shall also be paid by the applicant.

ADOPTED this the 19 day of November, 2019.



Isaac Howard, Mayor

ATTEST:



Clerk

ORDINANCE NO. 2019-0326 - AMENDED

AMENDED 01/07/2020

AN ORDINANCE TO LEVY LICENSE TAXES FOR THE SALE, STORAGE, OR DELIVERY OF TOBACCO PRODUCTS WITHIN THE CORPORATE LIMITS OF THE CITY OF MARGARET, ALABAMA.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARGARET, ALABAMA, AS FOLLOWS:

SECTION 1. DEFINITIONS.

Unless the context clearly indicates a different meaning, the following words and phrases wherever used in this Ordinance shall have the meanings ascribed to them in this section:

(a) **Dealer:** Any wholesale or retail dealer as hereinafter defined.

(b) **Wholesale Dealer and Jobber.** Any person, firm, corporation, club, association or other entity who sells at wholesale only within the City of Margaret, Alabama, any one or more of the tobacco products taxed herein to licensed retail dealers for the purpose of resale only.

(c) **Retail Dealer:** Any person, firm, corporation, club, association or other entity, other than a wholesale dealer, who shall sell or offer for sale any one or more of the tobacco products taxed herein, regardless of quantity or amount, or the number of sales; and all persons operating under a retail dealer's license.

(d) **Storer:** Any person, firm, corporation, club, association or other entity who ships or causes to be shipped or received tobacco products into the City of Margaret and stores same in any manner and withdraws or uses the same for any purpose other than for resale or reshipment outside the City of Margaret, Alabama.

(e) **Retail Price:** The usual retail selling price of the article before adding the amount of the tax assessed herein or the tobacco tax assessed by the State of Alabama.

(f) **Stamps:** The stamp or stamps by the use of which the tax levied on cigarettes under this ordinance is paid.

(g) **Tobacco Products:** All products, including, but not limited to, little cigars, cheroots, stogies, cigars, cigarettes, smoking tobacco, chewing tobacco and snuff, derived from tobacco.

(h) **Sale:** Any transfer of possession, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a consideration or any agreement therefor, including rewards or prizes of tobacco products on punch boards, shooting galleries, premiums, etc.

(i) Wherever the context requires, the plural shall include the singular and the singular the plural.

SECTION 2. TAX LEVY.

(a) In addition to all other taxes of every kind now imposed by law, each person, firm, corporation, club, association or other entity within the corporate limits of the City of Margaret, who sells or stores or receives tobacco products for the purpose of distribution to any person, firm, corporation, club, association or other entity within the City shall pay to the City a license or privilege tax on said tobacco products in the following amounts:

(1) **Little Cigars.** - Upon cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three (3) pounds per 1,000: \$.01 for each cigar.

(2) **Cigars, Cheroots, Stogies, etc.** - Upon cigars of all descriptions made of tobacco, or any substitute therefor except as described and taxed in subdivision (1): \$30.00 per 1,000.

(3) **Cigarettes.** - Upon all cigarettes made of tobacco, or any substitute therefor: \$.10 upon each package of twenty (20) or fractional part thereof.

(4) **Smoking Tobacco.** - Upon all smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette: \$.10 per package not exceeding three (3) ounces, plus \$.05 per ounce or fractional portion thereof exceeding three (3) ounces.

(5) **Chewing Tobacco.** - Upon all chewing tobacco prepared in such manner as to be suitable for chewing only and not suitable for smoking as described and taxed in subdivision (4) of this subsection: \$.10 per package not exceeding three (3) ounces, plus \$.05 per ounce or fractional part thereof in excess of three (3) ounces.

(6) **Snuff.** - Upon each tin, bag, box or pouch of snuff: \$.10 per package not exceeding two (2) ounces, plus \$.05 per ounce or fractional part thereof exceeding two (2) ounces.

SECTION 3. DESIGN OF STAMPS FOR CIGARETTES.

Each such stamp shall have inscribed thereon the words "City of Margaret, Alabama - Tobacco Tax", but said words need not be arranged in the foregoing order and may be abbreviated.

SECTION 4. METHOD AND TIME OF AFFIXING STAMPS TO CIGARETTES.

(a) The tax herein levied shall be paid to the City of Margaret by purchasing and affixing stamps in the manner and at the time as herein provided. The retail dealer, when purchasing stamps, must provide to the City of Margaret a copy of the retail dealer's invoice of purchased tobacco products and must purchase sufficient stamps for those products.

(b) In the case of cigarettes, the stamps shall be affixed to each individual package of twenty (20) cigarettes.

(c) The stamping of the packages of twenty (20) cigarettes shall actually begin within one (1) hour after receipt of the cigarettes within the corporate limits of the City of Margaret, and shall be continued with reasonable diligence by the wholesale or retail dealer until all of the unstamped cigarettes have been stamped and the stamps cancelled as provided by law, but no stamps required to be affixed shall, after the same have been affixed as herein provided, be again used in payment of any part of the tax levied hereunder. (Such stamps shall be affixed in such manner that their removal will require continued application of water

or steam.) The stamps shall be affixed to each individual package in such manner that same shall be torn in two or mutilated when such package is opened.

(d) Any consumer who purchases or receives in any manner whatsoever any cigarettes which do not have the stamps affixed as required by this ordinance shall within three (3) days after receipt of such tobacco products report the receipt and purchase of said tobacco products to the City Clerk, giving the date of purchase or receipt and the name and address of the person or firm from whom purchased or received. Such report shall be by certified mail or in person.

SECTION 5. DISCOUNT TO WHOLESALE DEALERS FOR CIGARETTE STAMPS.

(a) Such stamps may be sold to the wholesale dealer only by the City Clerk or his/her agent at a price equal to ninety (90%) percent of the full amount thereof, the remaining ten (10%) percent of such amount representing compensation to the wholesale dealer for the labor of affixing them to the cigarette packages. All other persons, dealers, firms, corporations, club, associations or other entities must pay the full-face amount of the stamps. However, no person, firm, corporation, club, association, entity or dealer, either wholesale or retail, shall be entitled to purchase any such number of stamps as would cause the purchase price to include the fraction of a cent.

SECTION 6. STAMP ACTS PROHIBITED.

(a) It shall be unlawful for any person, dealer, firm, corporation, club, association or other entity to fail to affix stamps or to cancel such stamps in the manner or within the time required herein, and it shall be unlawful for any person, dealer, firm, corporation, club, association or other entity to sell, offer for sale or delivery within the City of Margaret any cigarettes to which stamps have not been affixed and cancelled as provided herein.

(b) It shall be unlawful for any dealer to have in his possession or under his control for more than six (6) hours after receipt of such products on the premises of such dealer any cigarettes not properly stamped as required by this ordinance. Provided, however, this subsection shall not apply to cigarettes in the possession of wholesale dealers or jobbers for the purpose of resale or reshipment outside the City of Margaret and which products are actually to be resold or reshipped. The possession of each article or commodity not having the proper stamps affixed thereto as required herein shall be deemed a separate offense.

(c) It shall be unlawful to manufacture, buy, sell or offer for sale, possess or attempt to possess any reproduction or counterfeit of the stamps provided for herein or to possess tools, implements, instruments or materials of any kind necessary or appropriate to reproduce or counterfeit such stamps or to alter or cause to be altered any stamps herein provided for.

(d) It shall be unlawful to remove from a package or otherwise prepare any stamp with intent to use or cause the same to be used after it has been already used, or to buy, sell, offer for sale or give away any washed, removed, altered or restored stamp to any person for the purpose of indicating the payment of any tax due hereunder or to have the possession of any such washed, removed, restored or altered stamp, and it shall be unlawful to reuse any stamp which has been used for the payment of any tax provided hereunder.

(e) With the exception of the City Clerk, it shall be unlawful to sell any stamp provided for herein.

(f) No box, package or container from which cigarettes theretofore tax-paid have been removed shall be reused or refilled with cigarettes.

SECTION 7. TAX PAYMENT DATE; REPORTS; DISCOUNT FOR PROMPT PAYMENT; DELINQUENT DATE.

(a) With the exception of taxes paid via cigarette stamps, all other taxes levied under this ordinance shall be due and payable on the 1st day of each month next succeeding the month in which the taxes accrue. On the first day of each month, each person, firm, corporation, club, association or other entity on whom the amounts levied by this ordinance are imposed shall render to the City, on a form prescribed by the City, a true and correct statement showing the quantity of tobacco products sold for the then preceding month, together with copies of the invoices or sales receipts of such products, which provide the dates of purchase, the names and addresses of the persons or firms from whom purchased or received, and the quantities of each particular item of tobacco product purchased or received by the retail dealer, and such other information as the City may require. At the time of making such monthly report, said retail dealer shall compute the taxes due and shall pay to the City the amount of taxes shown to be due.

(b) A discount equal to two (2%) per cent of the total amount of taxes due pursuant to this Ordinance, not to exceed Fifty Dollars (\$50.00), shall be allowed to each taxpayer upon the filing of the monthly report and upon payment of the amount of taxes due (minus the applicable discount) on or before the 10th day of the month or, in the event of mail remittance, the payment and report must be postmarked on or before the 10th day of the month in which taxes are due.

(c) No discount shall be allowed to any taxpayer making a partial payment of taxes due on or before the 10th day of the month.

(d) Any report not submitted and taxes due not paid by the 20th day of each month in which the taxes are due shall be delinquent, and in the event of mail remittance, the payment and report must be postmarked on or before the 20th day of the month in which the taxes are due. A penalty shall be assessed in an amount equal to ten (10%) per cent of the taxes owed or Fifty Dollars (\$50.00), whichever is greater; and, in addition, interest and penalties will accrue on the amount of taxes due at the rate of one (1%) percent per month or fractional part thereof until paid.

SECTION 8. RECORDS.

(a) It shall be the duty of every wholesale dealer, at the time of selling and delivering any tobacco products enumerated herein into the City of Margaret, to make a true duplicate invoice of the same. Such invoice shall show full and complete details of the sale and delivery of the tobacco products and shall be retained by the dealer for a period of three (3) years. All such invoices shall be subject to audit and inspection by the City Clerk or his/her duly authorized agent at any and all times.

(b) Wholesale and retail dealers shall also keep a record of the purchase, sale, exchange and receipt of all the tobacco products and hold all books, records, cancelled checks and other memoranda pertaining to such purchase, sale, exchange and receipt for a period of three (3) years. All such books, records, cancelled checks and other memoranda shall be subject to audit and inspection by the City Clerk or his/her duly authorized agent at any and all times.

SECTION 9. PENALTY.

Any person, firm, corporation, club, association or other entity violating any of the provisions of this ordinance shall, upon conviction, and in addition to any other penalties provided in this ordinance, be punished by a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) and may be incarcerated not more than six (6) months. Each violation of this ordinance shall constitute a separate offense.

1st offense \$250.00 and must purchase tobacco stamps
2nd offense is \$500.00 and must purchase tobacco stamps
3rd offense is an automatic court appearance.

SECTION 10. APPLICATION.

(a) This ordinance shall not be applied so as to impose any unlawful tax or unlawful burden on interstate commerce or any business of the United States Government or any branch or agency thereof.

(b) This ordinance shall not apply to tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside the City of Margaret and which are actually so resold or reshipped.

(c) Whenever the requisite number of stamps required herein has been affixed to the cigarettes, this ordinance shall not require additional stamps to be affixed thereto in case of subsequent sales, deliveries or storage.

SECTION 11. SEVERABILITY.

Each and every provision of this ordinance is hereby declared to be an independent provision thereof, and should any provision be declared void or invalid, it shall not affect any other provision hereof. It is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

SECTION 12. CONFLICTING ORDINANCES.

All ordinances or parts of ordinances insofar as the same conflict with the provisions of this ordinance are hereby repealed.

SECTION 13. EFFECTIVE DATE.

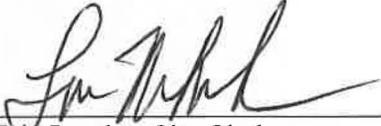
This ordinance shall become effective immediately upon its publication as required by law, and the first payment of taxes hereunder shall be due and payable on June 1, 2019.

Adopted and approved this 26th day of March, 2019.



Isaac Howard, Mayor

ATTEST:



Teja Peeples, City Clerk

I, Teja Peeples, City Clerk of the City of Margaret, Alabama, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Margaret at a regular meeting held on the 26th day of March, 2019, and that the same has been published in accordance with law in 3 places..



Teja Peeples, City Clerk

ORDINANCE 2020-0107 MAYOR AND COUNCIL SALARIES

BY THE CITY OF MARGARET, ALABAMA AS BE IT ORDAINED FOLLOWS:

Section 1. That the salary of the Mayor of the City of Margaret, Alabama shall be and the same is hereby fixed at the sum of \$250.00 per month and paid the 1st of each month.

Section 2. That each council member of the City of Margaret shall be compensated for council meeting at the salary of \$100.00 per month, and will be paid at the 1st of each month.

Section 3. This ordinance shall become effective on the First Monday of November, 2020, and shall continue in force and effect until repealed by action of the council.

Section 4. The provisions of this ordinance are hereby declared severable; if any portion of this ordinance shall be held unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect the remaining portion of this ordinance.

ADOPTED AND APPROVED THIS THE 7th DAY OF JANUARY 2020



Isaac Howard, Mayor

ATTEST:



TEJA PEEPLES, CITY CLERK

ORDINANCE NO. 2020-09001

**AN ORDINANCE PROHIBITING PARKING FOR ALL STREETS,
AND RIGHTS-OF-WAY LOCATED IN CITY OF MARGARET**

BE IT ORDAINED, That the City of Margaret feels the necessity to adopted the State of Alabama Code of Alabama 1975, Title 32 Section 32-5A-136.

BE IT ORDAINED by the City Council of the City of Margaret, Alabama, while in a regular session on the 15th day of September, 2020, at 6:00 p.m. as follows:

No person shall park any motor vehicle within the City's right of way. It shall be presumed that any motor vehicle which has been left at any place on a street, highway, roadway, public **right- of- way** or other public property within the city:

- (1) For a period in excess not 48 hours consecutively; or
- (2) Which creates a public safety hazard, is an abandoned vehicle.

No person shall park or leave or permit the parking or leaving any wrecked, inoperative, dismantled, partially dismantled, abandoned or junked motor vehicle, or parts thereof, on any street, highway, roadway, public **right-of-way** or other public property within the city:

- (1) For a period, time in excess 48 hours consecutively; or
- (2) Which creates a public safety hazard.

The presence of abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled motor vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this ordinance. This shall not apply to any vehicle located on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city.

Exceptions:

Emergency vehicles shall not be prohibited from parking while emergency personnel are engaged in answering a call or rendering assistance. Authorized emergency vehicles include police and fire vehicles as well as ambulances and hearses.

Imposition of Penalties for Violations

Any property owner found to have himself or herself parked in areas violating this ordinance shall be subject to a fine of \$50.00. Each calendar day in which the violation hereunder continues or re-occurs shall constitute a separate violation. If the property owner fails to pay fines before or on the prescribed time, the Municipal Court may issue a warrant and hold the person for up to 5 days in jail.



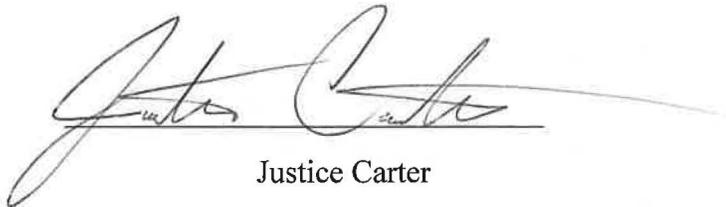
Isaac Howard, III
Mayor



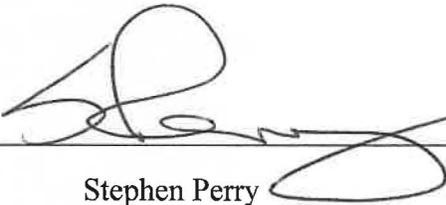
Daryl McIntyre
Mayor Pro-Tem



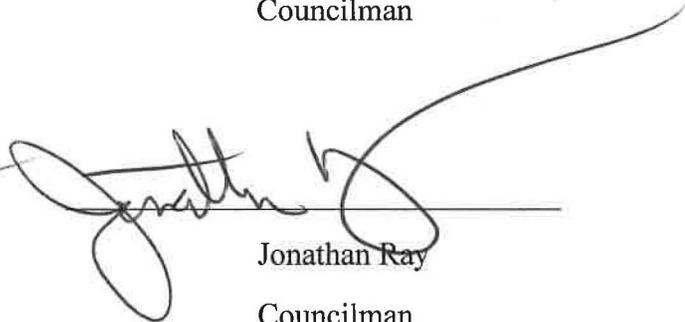
James Chapman
Councilman



Justice Carter
Councilman



Stephen Perry
Councilman



Jonathan Ray
Councilman

Attested:

A handwritten signature in blue ink, appearing to read 'Teja M. McIntyre', written over a horizontal line.

Teja M. McIntyre

ORDINANCE RULES OF PROCEDURE 2020-1102

TO ESTABLISH THE TIME AND PLACE FOR REGULAR CITY COUNCIL MEETINGS; THE PROCEDURE FOR CALLING SPECIAL MEETINGS; ESTABLISH A QUORUM; ESTABLISH CONDUCT AND PROCEDURES FOR COUNCIL MEETINGS OF THE CITY OF MARGARET, ALABAMA REPEALING ORDINANCE 2531.

BE IT ORDAINED by the City Council of the City of Margaret, Alabama, in session duly assembled and by authority thereof as follows:

GENERAL PURPOSE

SECTION 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the City Council of the City of Margaret, Alabama.

DATE, TIME AND PLACE OF REGULAR MEETINGS

SECTION 2. Regular meetings of the City Council shall be held on the first and third Tuesdays of each month at six o'clock (6:00) PM in the Council Chambers at Margaret City Hall. In the event that a regular meeting falls on a holiday, the Council shall pass a resolution to set a new time and date for said hearing.

SPECIAL MEETINGS

SECTION 3. Special meetings may be held at the call of the Mayor by serving notice on each member of the Council not less than 24 hours before the time set for such special meetings; or special meetings may be held as provided by Section 11-43-50, of the Alabama Code, 1975, whenever two Council members, or the Mayor request, in writing, that the Mayor call such meeting. Upon the failure or refusal of the Mayor to call such meeting when requested, the two Council members making the request shall have the right to call such meeting. Only those items of business for which the special meeting is convened shall be voted upon at said special meeting. All written notice shall state the specific purpose or purposes for such special meetings.

PUBLIC MEETINGS

SECTION 4. All meetings of the City Council shall be open and public, except when the Council meets in executive session as authorized by state law.

EXECUTIVE SESSION

SECTION 5. The Council may meet in executive session only for those purposes authorized by state law. When a Council member makes a motion to go into executive session for an enumerated purpose, the Mayor shall put the motion to a vote. If the Council shall unanimously vote in favor of the motion, the body shall then move into executive session to discuss the matter for which the executive session was called. No action may be taken in an executive session. When the discussion has been completed, the Council shall resume its deliberations in public.

QUORUM

SECTION 6. The attendance of four members of the City Council, at any regular or special meeting, is necessary to constitute a quorum.

SECTION 7. Every officer, whose duty it is to report at the regular meetings of the Council, who shall be in default thereof, may be fined at the discretion of the Council.

AGENDA

SECTION 8. Any person, firm, partnership, corporation, association or other entity with business or applications to present to the City Council at a regular meeting must first make application with the City Clerk by noon on the Wednesday preceding the City Council meeting on the following Monday. The purpose of such applications is to provide the public and members of the City Council with advance notice of the presentation and to afford them the opportunity to study and investigate the matter prior to the meeting. General comments from the public are invited at the end of each meeting.

The City Council may waive the requirement of such applications in cases of emergency or when the public interest may require it; provided, however, that such waiver shall be approved by a majority vote of those City Council members present at the meeting.

All items of a general or permanent nature or that include the expenditure of unbudgeted funds shall be announced at a first reading and heard at the next regularly scheduled meeting of the Council or shall be approved by a unanimous consent vote of the City Council members present prior to the commencement of said item of business.

ORDER OF BUSINESS

SECTION 9. The order of business shall be as follows:

1. A call to order
2. Roll call
3. Invocation and pledge of allegiance
4. Announcements, and special recognitions
5. Presentations
6. City Manager Reports
7. Mayor/Councilor Reports
8. Financial Reports – Finance Director/City Treasurer
9. Approval of minutes of prior meeting(s)
10. Resolutions, ordinances and orders of old business
11. Resolutions, ordinances and orders of new business
12. First Reading; Notice of Public Hearing
13. Comments from public
14. Motion for Adjournment

MOTIONS

SECTION 10.

- A. Motions shall be reduced to writing when required by the Mayor or any other member of the City Council.
- B. No member shall speak on the same motion or subject without permission of the Mayor.
- C. No person, not a member of the City Council, shall be allowed to address the same while in session without permission of the Mayor.

- D. Motions to reconsider must be made by a member of the City Council who voted with the majority, and at the same or next succeeding meeting of the City Council.
- E. A roll call vote shall be taken for each vote taken by the City Council and the vote (“yeas” and “nays”) of each member shall be recorded; and any member may call for a division of the questions.

RULES OF ORDER

SECTION 11.

- A. All questions of order shall be decided by the Mayor of the City Council with the right to appeal to the City Council by any members.
- B. The Mayor of the City Council may, at his discretion, call any member to take the chair, to allow him to address the City Council, make a motion to discuss any other matter of issue.
- C. Unless otherwise stated, the latest edition of “Robert’s Rules of Order” shall govern the conduct of the meetings of the City Council.

ORDINANCES AND RESOLUTIONS

SECTION 12.

- A. All ordinances and resolutions shall be in writing.
- B. No ordinance or resolution intended to be of permanent operation shall be adopted by the City Council at the same meeting which it is introduced, unless unanimous consent of those present is given for the immediate consideration of such ordinance or resolution, such consent to be shown by a vote taken by yeas and nays, and the names of the members voting shall be entered upon the minutes, and no ordinance or resolution intended to be of permanent operation shall become a law, unless on its final passage of a majority of the members elected to said City Council of the City of Margaret, Alabama, shall vote in its favor.
- C. All ordinances, resolutions or propositions submitted to the City Council which require the expenditure of funds shall lie over until the next regular meeting;

provided, that such ordinances or resolutions may be considered earlier by unanimous consent of the City Council; and provided further, that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers, or wages of employees of the City or for previously budgeted items.

- D. All ordinances and resolutions intended to be of permanent operation shall be subject to the laws of the State of Alabama regarding veto of ordinances and resolutions and passage over veto as specifically set forth in Titles 11-45-3 and 11-45-4, et. seq., Code of Alabama, 1975.

AMENDMENT OF RULES OF PROCEDURE

SECTION 13. The procedural rules of the City Council may be altered, amended or temporarily suspended if a majority of the members of the City Council present at the meeting shall vote in favor to do so.

SECTION 14. The provisions of this Ordinance are hereby declared severable. If any provision or portion of this Ordinance is for any reason held to be invalid, such provision or portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remainder thereof.

ATTENDANCE OF DEPARTMENT HEADS

SECTION 15. The following Department Heads and such other officers, employees and representatives of the City of Margaret, Alabama, shall attend all meetings of the City Council and shall remain in the Council Room for such length of time as the City Council or Mayor may direct:

- A. City Clerk/City Treasurer

All other Department Heads, officers, employees and representatives of the City of Margaret shall attend at the request of the Mayor and/or City Council or when said Department Head has business or a request to be presented to the City Council.

EFFECTIVE DATE

SECTION 16. This Ordinance shall become effective immediately upon its approval and adoption. Any and all resolutions and ordinances, which are contrary to or in conflict with the terms and provisions of this Ordinance, are hereby rescinded and repealed.

APPROVED and ADOPTED this the 2nd day of November, 2020.

ATTESTED BY:


Jeffrey C. Wilson, Mayor


Teja McIntyre, City Clerk