

ORDINANCE NO. 2022-07

AN ORDINANCE AMENDING ORDINANCE NO. 2022-1 OF THE TOWN OF FALKVILLE, ALABAMA (SEC. 8-23, *CODE OF ORDINANCES OF THE TOWN OF FALKVILLE, ALABAMA*) SO AS TO ALLOW PROPERTY OWNERS AND LESSEES TO OPT OUT OF THE REQUIREMENTS OF SAID ORDINANCE (CODE SECTION) UPON ASSUMING ALL RISK OF LOSS FOR DOING SO

WHEREAS, the Town Council of the Town of Falkville, Alabama previously adopted Ordinance No. 2022-01, which created Sec. 8-23, *Code of Ordinances of the Town of Falkville, Alabama*, and which mandated key lock boxes for certain commercial, industrial and business structures so as to permit access by emergency responders on a more expedient basis; and

WHEREAS, the Town has received significant protest against such requirements from property owners and Lessees.

NOW, THEREFORE, be it **ORDAINED** by the Town Council of the Town of Falkville, Alabama as follows:

Section 1. The heading of Sec. 8-23 of the *Code of Ordinances of the Town of Falkville, Alabama* is hereby amended by deleting said heading and substituting the following, so that hereafter said hearing shall read, in its entirety, as follows:

"Sec. 8-23. Key Lock Boxes Required/Exemptions."

Section 2. Sec. 8-23 of the *Code of Ordinances of the Town of Falkville, Alabama* is hereby amended by adding to the same a section to be entitled "Sec. 8-23(h)," which shall read, in its entirety, as follows:

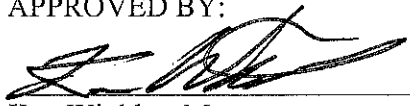
"h. The Owner(s) or Lessee(s) of all structures to which the provisions of this section apply shall have the right to obtain an exemption from the requirements of this section by applying for such exemption on a form provided by the Town for such purposes, which said form shall include an assumption of all risk of loss by the

Owner(s) or Lessee(s) and which shall release the Town of Falkville, Alabama from any and all liability on account of the exemption."

Section 3. Except as specifically modified hereby said Ordinance No. 2022-01 and Sec. 8-23, *Code of Ordinances of the Town of Falkville, Alabama*, shall remain in full force and effect as previously adopted.

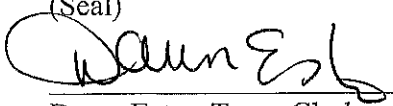
Section 4. This Ordinance shall be effective immediately upon its adoption and publication according to law.

ADOPTED and **APPROVED** this the 11th day of July, 2022.

APPROVED BY:


Ken Winkles, Mayor

ATTEST:

(Seal)


Dawn Estes, Town Clerk

**APPLICATION FOR
KEY LOCK BOX EXEMPTION**

Each of the undersigned represents that he or she has full authority either as, or from, the Owner(s) or Lessee(s) of the certain structure(s) located at _____

_____ in the Town of Falkville, Alabama, to make this application for an exemption from the requirements of Section 8-23, *Code of Ordinances of the Town of Falkville, Alabama* (Ordinance No. 2022-01) as permitted by Sec. h of said Section 8-23. The undersigned represents further that he or she has full authority to bind the Owner(s) or Lessee(s) to the assumption of risk and the liability release below.

The Owner(s) or Lessee(s) hereby assume(s) all risk of loss to the subject property which might be attributable, or arguably attributable to the lack of a key lock box for emergency responder use for expedient access to the subject property and agrees that the Town of Falkville shall have no liability to the Owner(s), Lessee(s) or other persons on account of granting an exemption from the key lock box requirements of said Sec. 8-23 of said *Code*. Furthermore, the applicant releases the Town of Falkville from any and all liability for damages to the subject property or injury to, or death of any person(s) attributable to such exemption and the lack of any key lock box. Owner(s) or Lessee(s) shall indemnify, save and hold the Town of Falkville, and its officers, officials, agents and employees, harmless for any and all claims against said Town on account of the town's granting any exemption(s) upon this application for same.

Name(s) of Applicant(s): _____

By: Printed Name(s): _____

_____ date: _____
Signature

_____ date: _____
Signature

Exemption for above described property from *Falkville Code* Section 8-23 is GRANTED:

Town of Falkville, Alabama

By: _____
Its: _____