

**AN ORDINANCE TO ADOPT A BUILDING CODE
FOR THE CITY OF MOBILE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA.

As follows:

SECTION ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2009 Edition of the International Building Code and Appendices, along with the amendments to the same contained in this ordinance, which has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to a resolution adopted by the City Council of the City of Mobile, Alabama, on January 18, 2011, is hereby adopted as "The Building Code of the City of Mobile."

SECTION TWO: Published Ordinance. A copy of this ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said 2009 International Building Code to be published in a newspaper, nor shall the same be spread at length upon the Minutes of this Council, but this ordinance shall be recorded in said Minutes.

SECTION THREE: Effective Date. The said 2009 International Building Code shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

SECTION FOUR: Contractors Criteria and Qualifications.

Contractor Responsibilities. It shall be the duty of every contractor who shall make contracts for the construction, installation, repair or modifications of buildings, for which a permit is required, to be properly licensed and bonded in accordance with all the City of Mobile and State of Alabama requirements. The contractor shall register his/her name in a register with the Building Official in a book provided for that purpose. The said book shall record the full name, residence and place of business and it shall be the contractor's responsibility to notify the City of Mobile of any changes.

In addition to the requirements as set forth herein, all individuals, agents or businesses that perform work that exceeds \$50,000 are required to be a general contractor or subcontractor in accordance with all the statutory requirements of the State of Alabama and City of Mobile.

SECTION FIVE: Surety Bond. In addition to the requirements as set forth herein, it shall be the duty of every builder; contractor and sub-contractor shall provide and have on file a current License and Permit Bond for \$10,000. The bond is subject to the approval of City of Mobile Legal Department and shall be provided by a surety company qualified to do business in the State of Alabama and from an agent thereof with an office in the City of Mobile.

Such bond shall insure that the licensee complies with laws, ordinances and building regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the building business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

SECTION SIX: Criteria for Owners to Obtain Permits. For the purpose of this code, an owner physically doing the work themselves may be issued a permit upon the Building Official's

satisfaction that the owner is competent to perform the work for which the permit is requested and completion of a Building Affidavit. Any individual other than the owner doing the work on the property is considered a contractor and shall meet the requirements of a contractor and shall comply with all applicable laws, codes and ordinances. All inspection criteria shall be the same as for contractors in section 110. All other properties will be consider as commercial and subject to Section Four in this Ordinance

SECTION SEVEN: Vehicular Signs. All trucks and similar vehicles used by contractors and sub-contractors shall have signs on both sides of the body of said vehicle indicating the full name, address, and telephone number of the firm to which it belongs. Lettering may be any color in contrast to the color of the body, but letters identifying the firm name must be at least 1 ½ inches high.

SECTION EIGHT: Chapter 1 of the 2009 International Building Code shall be amended as follows:

SECTION 101 GENERAL. Amend as follows:

101.1 Title. Amend “to read as follows”. These regulations shall be known as the Building Code for the City of Mobile, hereinafter referred to as “this code” or “the Technical Codes.”

101.2 Scope by adding Paragraph 3 to Exceptions as follows

Section 101.2. Amend as follows:

3. Historic structures designated by the state or local jurisdiction as historic buildings, including those listed on the Alabama Register of Landmark and Heritage or in the National Register of Historic Places; existing buildings undergoing repair; alteration or additions; and change of occupancy shall be permitted to comply with the International Existing Building Code.

101.2.1 Appendices. Amend as follows: “The following appendices shall be adopted:”

- A – Employee Qualifications
- B – Board of Appeals
- C – Group U – Archicultural Buildings
- E – Supplementary Accessibility Requirements
- F – Rodent Proofing
- G -Flood-Resistant Construction**
- I – Patio Covers
- J –Grading

101.4 Referenced codes. Amend as follows:

101.4.1 Gas. Delete in its entirety.

101.4.6 Energy. Add as follows:

101.4.6 Energy. Where referenced, the International Energy Conservation Code shall be the energy code adopted and enforced by the state of Alabama.

101.4.7 International Existing Building Code. Add as follows:

101.4.7 International Existing Building Code. The provision of the **2009 International Existing Building Code** and adopted ordinances shall apply to existing building undergoing repairs, alteration, and change of occupancy shall be permitted.

101.4.8 National Electrical Code. Add as follows:

101.4.8 National Electrical Code. The provision of the **2008 National Electrical Code** and adopted ordinances shall apply to new construction, existing building undergoing repairs, alteration, and change of occupancy shall be permitted.

SECTION 105 PERMITS. Amend as follows:

105.1.1 Annual permit. Delete “in its entirety”.

105.1.2 Annual permit records. Delete “in its entirety”.

105.2 Work exempt from permit. Delete sub-paragraph 2, 12 under “Building”.

105.3 Application for permit. Add sub-paragraph 8 and 9 as follows:

8. Applicant must provide proper identification.
9. Applicant must verify ownership of property.

SECTION 107 SUBMITTAL DOCUMENTS. Amend as follows:

107.3.4.1.2 Work exempt from requirements of register design professional. Add as follows:

107.3.4.1.2 Work exempt from requirements of registered design professional. All drawings, specifications, and accompanying data shall bear the name and address of the registered design professional. The registered design professional shall affix his/her official seal to said drawings, specifications and accompanying data for the erection, enlargement or alteration of any building. The provisions of this code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority.

The registered design professional shall provide the Building Official a letter stating that he/she is the design professional in responsible charge on each project. The services of a registered design professional shall be required on all buildings except those herein exempted and no official of the city herein charged with the enforcement of laws, ordinances or regulations relating to the construction or alteration of buildings shall accept or approve any plans or specifications that are not so prepared. Upon completion of construction and prior to the issuance

of a certificate of Occupancy the registered design professional shall submit to the building official a letter of certificate of substantial completion.

Exceptions:

1. Exemptions shall be in accordance with code of Alabama 1975, Title 34, Chapter 2, Alabama Board of Architects Registration Act Rules and Regulation.
2. Exemption shall be in accordance with code of Alabama 1975, Title 34, Chapter 11, and Alabama Board of Licensure for professional Engineers and professional Land Surveyors.

SECTION 109 FEES. Amend as follows:

109.2 Schedule of permit fees “to read as follows”. On all buildings, structures, electrical, plumbing and mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedule as established by the City of Mobile and adopted in a separate ordinance.

SECTION 110 INSPECTIONS. Amend as follows:

110.3.7 Energy efficiency inspections. Delete in its entirety.

SECTION 111 CERTIFICATE OF OCCUPANCY. Amend as follows:

111.2 Certificate Issued “to read as follows”. After the *building official* inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, and a final report of special inspections has been submitted, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the *building official*.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design *occupant load*.
11. If an *automatic sprinkled system* is provided, whether the sprinkler system is required.
12. Any special stipulation and conditions of the building *permit*.

111.2.1 Certificate of Shell Completion. After the Building Official inspects the building or structure and finds no violations of this code or other laws that are enforced, the Building Official shall issue a certificate of completion for a shell building.

SECTION 113 BOARD OF APPEALS. Amend as follows:

SECTION 113 BOARD OF APPEALS. Delete in its entirety.

SECTION 113 BOARD OF APPEALS. Add new sub-paragraphs as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a *Construction Board of Appeals*, hereafter referred to as “the Board of Appeals”. The Board of Appeals shall be appointed by the Mayor.

Exception: The appeal and variance procedure for structures located in flood hazard areas shall be in accordance with the applicable sections of the City of Mobile’s “Storm Water Drainage Ordinance”, which is administered and enforced by the City of Mobile Engineering Department and adopted by a separate ordinance.

The *building official* for the Board of Appeals shall be defined as the code official having jurisdiction over each of the applicable codes adopted in separate ordinances by the City of Mobile.

113.2 Limitations on authority. An application for appeal shall be based on a claim: that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted; the provisions of this code do not fully apply; or an equally good or better form of construction is proposed. The Board of Appeals shall have no authority to waive requirements of this code.

113.3 Qualifications. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

113.4 Application. The application for appeal shall be filed on a form obtained from the *building official* within 20 calendar days after a written decision by the *building official*.

113.5 Membership of the Board. The Board of Appeals shall consist of persons appointed by the Mayor as follows:

1. Two for four years; two for three years; two for two years; and three for one year.
2. Thereafter, each new member shall serve for four years or until a successor has been appointed.

The *building official* and city attorney or their designees shall be ex officio members of said Board of Appeals but shall have no vote on any matter before the board.

113.6 Members. The Board of Appeals shall consist of seven individuals who are not employees of the jurisdiction, one from each of the following disciplines:

1. Registered design professional with architectural experience or a State of Alabama licensed builder with at least ten years’ experience, five of which have been in responsible or supervisory level of work.
2. Licensed design professional with structural engineering experience.

3. Licensed design professional with mechanical engineering experience or a mechanical contractor with at least ten years' experience, five of which have been in a responsible or supervisory level of work.
4. Licensed design professional with plumbing engineering experience or a plumbing contractor with at least ten years' experience, five of which have been in a responsible or supervisory level of work.
5. Licensed design professional with electrical engineering experience or a contractor with at least ten years' experience, five of which have been in a responsible or supervisory level of work.
6. Licensed design professional with fire protection engineering experience or a fire protection contractor with at least ten years' experience, five of which have been in a responsible or supervisory level of work.
7. One who is qualified by experience and training to pass on matters pertaining to property maintenance.

If a representative is not available from the listed disciplines, the Mayor may appoint others who may be qualified by experience, education and training to pass upon appeals presented to the Board of Appeals.

113.7 Alternate members. The Mayor shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

113.8 Rules and procedures. The Board of Appeals is authorized to establish policies and procedures necessary to carry out its duties.

113.9 Chairperson. The Board of Appeals shall annually select one of its members to serve as chairperson.

113.10 Vice-Chairperson. The Board of Appeals shall annually select one of its members to serve as chairperson.

113.11 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

113.12 Secretary. The Director of Urban Development shall designate a qualified clerk to serve as secretary to the Board of Appeals. The secretary shall not be a member of the Board of Appeals. The secretary shall file a detailed record of all proceedings in the office of the Director of Urban Development.

113.13 Compensation of Members. There shall be no compensation for members who serve on the Board of Appeals.

113.14 Ad-hoc Advisory Committees. For the sole purpose of deciding an appeal brought before the Board of Appeals, the Chairperson may empanel an Ad-hoc Committee consisting of one member of the Board of Appeals and two individuals who have specialized expertise

relevant to the appeal. Those appointed committee members shall not have a vote in the matter of the appeal and are to serve in an advisory role. Committee members shall present their opinions individually to the full membership of the Board of Appeals. The Ad-hoc Committee shall be limited in scope of service to the single appeal and its existence shall terminate with the issuance of the decision on the appeal.

113.14.1 Ad-hoc Committees Members. Ad-hoc committees shall be composed of individuals who through education, experience, and licensing by the State of Alabama, are considered qualified to opine on the subject matter that constitutes the basis.

113.15 Notice of meeting. The Board of Appeals shall meet upon notice from the chairperson, within 10 business days of the filing of an appeal or at stated periodic meetings.

113.16 Open hearing. All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard. A quorum must be present for the Board of Appeals to conduct a hearing. A quorum shall consist of five (5) members.

113.17 Procedure. The Board of Appeals shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

113.18 Board of Appeals decision. The board shall modify or reverse the decision of the *building official* by a concurring vote of a super majority of its members present.

113.19 Administration. The *building official* shall take immediate action in accordance with the decision of the board.

114.4 Violation penalties.

- a) Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties in accordance with Chapter 1 of the Mobile City Code.
- b) Violation of the provisions of the 2009 International Building Code (IBC) shall be subject to \$250.00 fine unless otherwise listed below:
 1. Occupying building without Certificate of Occupancy \$500.00
 2. Working without proper license and certifications \$500.00
 3. Signage on all vehicles used by contractor. \$100.00
 4. Interference with Building Official \$100.00

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT. To read as follows:

116.3 Notice. All buildings or structures which are unsafe, unsanitary, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contempt of this

Section, Unsafe Structures and Equipment. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

1. Whenever the Building Official shall find any building or structure or portion thereof to be unsafe, as defined in this Section, he shall, in accordance with established procedure for legal notice, as required by Alabama Act 140, 1971, as amended by Act 581, 1973, give the mortgagee(s), regulatory boards, the person last assessing the property for state taxes, and the owner, agent, or person in control of such building or structure written notice setting forth the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building or structure or portion hereof.
2. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not re-occupied until the specified repairs and improvements are completed, inspected and approved by the Building Official. The Building Official shall cause to be posted at each entrance to such building a notice stating: **THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.** Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents, or other servants, to remove such notice without written permission of the Building Official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.
3. The mortgagee(s), regulatory boards, last person assessing for state taxation, and if other than those listed, the owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the Building Official, as provided hereinafter, and to appear before the Board of Adjustment and Appeals at a specified time and place to show cause why he should not comply with said notice.
4. In case the mortgagee(s), regulatory boards, last person assessing for state taxation, and the owner, agent or person in control cannot be found within the stated time limit, or, if such owner, agent or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the Building Official, after having ascertained the cost, shall cause such building or structure or portion thereof, to be secured or required to remain vacant in accord with Section 102.4.a.1, and/or demolished in accord with Alabama Act 140, 1971.
5. The decision of the Building Official shall be final in cases of emergency, which, in his/her opinion, involve imminent danger to human life or health. He shall promptly cause such building, structure or portion thereof to be made safe or cause its removal. For this purpose he may at once enter such structure or land on which it stands, or abutting land or structures, with assistance and at such cost as he may deem necessary. He may order the vacation of adjacent structures and may require the protection of the public by appropriate fence or such other means as may be necessary and for this purpose may close a public or private way.
6. Costs included under Paragraphs 103.4(a) and 103.4(a) (5) of Alabama Act 140, 1971 shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

7. The provisions of this code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction of any power or authority.

SECTION NINE: Chapter 2 of the 2009 International Building Code shall be amended as follows:

CHAPTER 2, DEFINITIONS. Add as follows:

FLOOD HAZARD AREA. The area designed as a flood hazard area in accordance with the Storm Water Ordinance adopted and administered by the City of Mobile's Engineering Department.

HISTORIC BUILDING. Any building or structure that is listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic Places; designated as a historic property under local or state designation; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed in the Alabama Register or the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

SECTION TEN: Chapter 3 of the 2009 International Building Code shall be amended as follows:

CHAPTER 3, Use and Occupancy Classification. Amend as follows:

Section 309 Mercantile Group M and add 309.1. Add as follows:

309.1 Exceptions. A facility such as above may be classified as Group B (Business) Occupancy when all for the following conditions are met:

1. Meets requirements of small quantity of goods and merchandise available for sale.
2. Occupancy load is 50 persons or less.
3. Meets all life safety requirements for Group B Occupancy.
4. The facility is existing and no building shall be greater than 2500 square feet.

SECTION ELEVEN: Chapter 16 of the 2009 International Building Code shall be amended as follows:

1609.3 Basic Wind Speed "to read as follows". The basic wind speed, in mph, for determination of the wind loads shall be 135mph 3-second gust.

1612.3 Establishment of Special Flood Hazard areas. Add as follows:

1612.3 Establishment of Special Flood Hazard Areas. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in

the most current adopted Flood Insurance Study entitled "The Flood Insurance Study for Mobile County, Alabama and incorporated areas", as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and related supporting data along with any revisions thereto. The

adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

The adopted “Storm Water Drainage Ordinance”, flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section. Where there is difference between the ordinances relating to flood hazard areas, flood hazard map, supporting data or code, the more stringent provision shall prevail.

The variance and appeal procedure shall be in accordance with the applicable sections of the adopted “Storm Water Drainage Ordinance” which is administered and enforced by the City of Mobile Engineering Department.

SECTION TWELVE: Chapter 23 of the 2009 International Building Code shall be amended as follows:

2304.11.6 Termite protection. Amend to read as follows:

2304.11.6 Termite protection. In geographical areas where hazard of termite damage is known to be very heavy, the floor framing shall be of naturally durable or preservative-treated wood, or provided with approved methods of termite protection. It shall be the responsibility of the permit holder to provide a receipt from a licensed and bonded pest control specialist to certify soil treatment and material used.

SECTION THIRTEEN: Chapter 34 of the 2009 International Building Code shall be amended as follows:

Section 3412 Compliance Alternatives. Amend as follows:

3412.2 Applicability. Amend by inserting the following:

Effective Date: See section two of Ordinance Adoption International Building Code

SECTION FOURTEEN: The Appendices of the 2009 International Building Code shall be amended as follows:

Appendix B Board Of Appeals. Shall be in accordance with; Section 113 of this ordinance as amended.

SECTION FIFTEEN: SEPARATION CLAUSE: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Mobile hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, or phrases be declared unconstitutional.

Adopted: January 18, 2011

Lisa C. Lambert, City Clerk