

**AN ORDINANCE TO ADOPT AN EXISTING BUILDING CODE
FOR THE CITY OF MOBILE, ALABAMA**

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 Existing Building Code, along with the amendments to the same contained in this Ordinance, 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 “Existing 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 Existing 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 Existing 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sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.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. Criteria and qualifications for all contractors shall be set forth herein.

Building Contractor’s Responsibility. In addition to the requirements as set forth herein, all individuals, agents or businesses who perform work that exceeds \$10,000 are required to be a homebuilder, remodeler or general contractor in accordance with all the statutory requirements of the State of Alabama and City of Mobile.

Electrical Contractor’s Responsibility. In addition to the requirements as set forth herein, all individuals, agents or businesses who install, alter or modify all or part of an electrical system shall furnish proof that they a licensed, registered Master Electrician in accordance with the Electrical Board of Examiners and the statutory requirements of the State of Alabama and City of Mobile. Where any electrical work is being undertaken, a Master or Journeyman Electrician shall be present at the job site and in actual control and in charge of the work being performed

Mechanical Contractor’s Responsibility. In addition to the requirements as set forth herein, all individuals, agents or businesses who install all or part of a heating ventilation and air conditioning (HVAC) system shall furnish proof that they are licensed, registered and hold an active certification with the Alabama State Board of Heating and Air Conditioning Contractors in accordance with all the statutory requirements of the State of Alabama and City of Mobile.

Plumbing Contractor’s Responsibilities. Before any person, firm, or corporation shall engage in the plumbing business, he/she shall be qualified as set forth herein, and a license shall be obtained from the City, County, or State as required, and a proper bond posted. Where any plumbing work is being done, a Master or Journeyman Plumber shall at all times be present on the job and in actual control and in charge of the work being done. All plumbers shall certified by the State of Alabama and Masters must be duly registered with the State of Alabama. An Alabama certified Master or Journeyman Plumber must be present at the time of the inspection for any below ground or concealed space areas. For all other inspection’s, their presence is not required.

Contractor License. It shall be the duty of every contractor who shall make contracts for the installation or repair of building, electrical, mechanical and plumbing systems for which a permit is required and every contractor making such contracts and subletting the same, or any part thereof, to pay a license tax as provided in the general license ordinance, and to register his name in a book provided for that purpose, with the applicable code official, giving full name, residence, and place of business, and, in case of removal from one place to another to have made corresponding change in said register accordingly.

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 to provide and have on file a current license and permit bond for \$10,000 in accordance with the City of Mobile and State of Alabama Requirements. 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 plumbing business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

SECTION SIX: Criteria for Owner to Obtain Permits

Homeowner's personally doing work on the residence that they occupy, may obtain permits for their residence if they are deemed competent by the applicable code official. All applicants' must complete and sign an affidavit stating ownership and responsibility for the appropriate work. Any individual other than the owner doing the work on the property is considered a contractor and shall meet the requirements of a contractor as set forth herein. All inspection criteria shall be the same as for contractors in the respective sections of the applicable code and ordinances. All other properties will be considered as commercial and subject to Section Four in this Ordinance.

SECTION SEVEN: Vehicular Signs. All trucks and similar vehicles used by contractors shall have signs on the body on both sides of body, including 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 must be at least 1 1/2' high, identifying the firm's name.

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

SECTION 101 GENERAL. Amend as follows:

101.1 Title. Amend as follows:

101.1 Title. These regulations shall be known as the *Existing Building Code* of the City of Mobile, Alabama, herein after referred to as, "this code."

101.2 Scope. Amend as follows:

101.2 Scope. Add the following Exceptions:

Exception:

1. One & Two Family Dwellings shall be exempted from the requirements of this code.
2. Historical Structures: Building official at his discretion may, after submission of a structural report, and as a condition for acceptance of the structural engineer of record's findings, stipulate

that the permit holder agree to a peer review of the findings. The peer reviewer, as well as the structural engineer of record, may incorporate any and all reasonable justifications for acceptance of the existing structure without major modification. These justifications may include, but not be limited to, historical performance, in-situ testing, and testimony. Acceptable substantiation of opinions shall include drawings, calculations, test reports, and other relevant documentation.

The peer reviewer shall submit a report to the building official identifying significant deficiencies in the structural system of the building and suggest the possible remedial measures. Where remediation is not a reasonable option, the peer reviewer shall provide an opinion as to the severity of the structural deficiency and its impact on life safety.

The opinions of the peer reviewer shall be considered advisory and shall not in any way be considered binding on the building official or the permit holder. The building official shall retain any and all powers granted by this code and the hiring of a peer reviewer by the permit holder does not constitute abdication of the right to appeal as granted in the code.

The peer reviewer shall be a licensed engineer in the State of Alabama, qualified by education and experience to practice structural engineering.

Selection of the peer reviewer shall be by the permit holder from an approved list provided by the building official. All costs associated with the hiring of the peer reviewer shall be borne by the permit holder and shall be in accordance with procedures set forth by the building official.

101.7 Appendices. Amend as follows:

101.7 Appendices. The following appendices shall be adopted:

- A – Guidelines for the Seismic Retrofit of Existing Buildings
- B – Supplementary Accessibility Requirements

102.4.1. Energy Conservation. Add as follows:

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

102.4.2 Mechanical. Where applicable, the provisions of the *2009 International Mechanical Code*, and adopted ordinances shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

102.4.3 Plumbing. Add as follows:

102.4.3 Plumbing. Where applicable, the provisions of the *2009 International Plumbing Code*, and adopted ordinances shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.

102.4.4 Property Maintenance. Add as follows:

102.4.4 Property Maintenance. Where applicable, the provisions of the *2009 International Property Maintenance Code*, and adopted ordinances shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

102.4.5 Fire Prevention. Add as follows:

102.4.5 Fire Prevention. Where applicable, the provisions of the *2009 International Fire Code*, and adopted ordinances shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

102.4.6 Building . Add as follows:

102.4.6 Building. Where applicable, the provisions of the *2009 International Building Code*, and adopted ordinances, shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures

102.4.6 Electrical. Add as follows:

102.4.6 Electrical. Where applicable, the provisions of the *2008 National Electrical Code*, and adopted ordinances, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

104.10.1 Flood hazard Areas. For *existing buildings* located in *flood hazard areas* for which *repairs, alterations and additions* constitute *substantial improvement*, the code official shall not grant modifications to provisions related to flood resistance unless in accordance with the adopted “Storm Water Drainage Ordinance” which procedure is administered and enforced by the City of Mobile Engineering Department.

104.10.1 Flood hazard Areas. Delete sub-paragraphs 1, 2, 3, 4, and 5.

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 subparagraph 5 under “Building”.

105.2 Work exempt from permit. Delete Gas in its entirety.

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

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

SECTION 106 CONSTRUCTION DOCUMENTS. Amend as follows:

106.2.1.1 Letter of supervision. Add as follows:

106.2.1.1 Letter of Supervision. The registered design professional shall provide the code official a letter stating that he/she is the design professional in charge on each project and is responsible for construction administration.

106.2.1.2 Certificate of Substantial Completion. Add as follows:

106.2.1.2 Certificate of Substantial Completion. Upon completion of construction for each project and prior to the use of a building or portion thereof, the registered design professional shall submit a letter or certificate of substantial completion.

SECTION 108 FEES. Amend as follows:

108.2 Schedule of permit fees. Amend as follows.

108.2 Schedule of permit fees. On building, electrical, mechanical, and plumbing systems or *alterations* requiring a permit, a fee for each permit shall be paid as required in accordance with the Schedule of Permit Fees adopted by separate ordinance.

SECTION 112 BOARD OF APPEALS. Amend as follows:

112.1 General. Add subparagraph 1 as follows.

1. The board of appeals, herein called the Construction Board of Appeals, shall be in accordance with the applicable sections of the International Building Code and the Ordinance Adopting the International Building which is adopted by separate ordinance.

SECTION 113 VIOLATIONS. Amend as follows:

113.4 Violation penalties. Amend as follows:

113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, in accordance with the applicable sections of the Mobile City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(a) Violation of the provisions of this code shall be subject to \$250.00 fine unless otherwise listed below:

1. Occupying a commercial building without a Certificate of Occupancy \$500.00
2. Working without proper license and certifications \$500.00
3. Occupying a residential building without a Certificate of Occupancy \$300.00
4. Signage on all vehicles used by contractor \$100.00
5. Interference with code official \$100.00

SECTION 115 UNSAFE BUILDINGS AND EQUIPMENT. Amend as follows:

115.3.1 Procedures. Add as follows:

115.3.1 Procedures. Unsafe Structures and Equipment. 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 Code Official shall find any building or structure or portion thereof to be unsafe, as defined in this Section, he/she shall, in accordance with established procedure for legal notice, as required by Alabama Code section 11-53B-1 enacted on April 17, 2002, and Mobile City Code section 11-81, Article 5, adopted November 26, 2002, or Section 107 of this Ordinance, 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 thereof.
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 Code Official. The Code 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 CODE 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 Code 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 Code Official, as provided thereafter, and to appear before the Environmental Court 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 Code 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 and/or demolished in accord with Alabama Code section 11-53B-1 enacted on April 17, 2002, and Mobile City Code section 11-81, Article 5, adopted November 26, 2002.
5. The decision of the Code 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 structure, with assistance and at such cost as he may deem necessary. He may order the vacation of adjacent structures and if necessary for this purpose may, close a public or private way.
6. Costs included under Mobile City Code section 11-81, Article 5, adopted November 26, 2002, 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 Existing Building Code shall be amended as follows:

SECTION 202 GENERAL DEFINITIONS. Add definition as follows:

PEER REVIEW. An alternative assessment for prescriptive code requirements that is performed by a registered or licensed design professional who is independent from the design professional of record..

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

SECTION 307 CHANGE OF OCCUPANCY. Amend as follows:

307.6 Electrical. Amend as follows:

307.6 Electrical. It shall be unlawful to make a change in the occupancy of a structure that will subject the structure to the special provisions of *2008 National Electrical Code* related to electrical installations applicable to the new occupancy without approval. The *code official* shall certify that the structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such *change of occupancy* does not result in any hazard to the public health, safety or welfare.

307.7 Fuel Gas. Amend as follows:

307.7 Fuel gas. Delete.

SECTION ELEVEN: Chapter 6 of the 2009 International Existing Building Code shall be amended as follows:

SECTION 602 BUILDING ELEMENTS AND MATERIALS. Amend as follows:

602.4.1 International Fuel Gas Code. Delete.

SECTION TWELVE: Chapter 13 of the 2009 International Existing Building Code shall be amended as follows:

SECTION 1301 GENERAL. Amend as follows:

1301.2 Applicability. Amend as follows:

1301.2 Applicability. Structures existing prior to the effective enforcement date of this code, in which there is work involving *additions, alterations or changes of occupancy* shall be made to conform to the requirements of this chapter or provisions of Chapters 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

SECTION FOURTEEN: SEPARATION CLAUSE

If any section, sub-section, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this

Code. The City Council of the City of Mobile hereby declares that it would have passed this Code and each section, subsection, clause or phase 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