

AN ORDINANCE TO ADOPT A PROPERTY MAINTENANCE CODE FOR THE CITY OF MOBILE

SECTION ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2009 edition of the International Property Maintenance Code and Appendix A, 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 “Property Maintenance Code of the City of Mobile, Alabama”.

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 Property Maintenance 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 Property Maintenance Code shall be in full force and become effective 60 days after its adoption, and all ordinances heretofore adopted by the Mobile City Council in conflict are hereby repealed.

SECTION FOUR: Chapter One of the 2009 International Property Maintenance Code shall be amended as follows:

Amend Section 101 as follows:

Amend 101.1 as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Mobile, Alabama, hereinafter referred to as “this code”.

Amend Section 102 as follows:

Amend 102.3 as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the 2009 International Building Code, 2009 International Mechanical Code, 2009 International Plumbing Code and the 2008 National Electrical Code. Each and every reference to the International Zoning Code shall be construed to mean the Zoning Ordinance of the City of Mobile.

Amend 102.6 as follows:

102.6 Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated by the state or local jurisdictions as historic buildings, including those on the National Register of Historic Places or eligible for listing on the National Register of Historic Places, when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

Amend 102.7 as follows:

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Each and every reference to the ICC Electrical Code shall be construed to mean the 2008 NEC National Electrical Code and each and every reference to the International Zoning Code shall be construed to mean the Zoning Ordinance of the City of Mobile.

Amend Section 103 as follows:

103.1 General. The Director of the Urban Development Department, or his/her designee, shall be responsible for enforcing the provisions of this code. Each and every reference to the Code Official shall be construed to mean the Director of the Urban Development Department, or his/her designee.

Delete 103.2 in its entirety:

Amend 103.3 as follows:

103.3 Enforcement Officers. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to designate a chief property maintenance inspector, or other related enforcement officers, inspectors and other employees.

Replace entire wording of Section 103.5 – Fees - as follows:

103.5 Restriction of employees. An official or employee connected with the enforcement of this code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials, or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

Amend Section 104 as follows:

104.5 Notices and orders. The Code Official shall issue all necessary notices, orders, or citations to ensure compliance with this code.

Amend Section 106 as follows:

Amend 106.1 as follows:

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation, or its agents to be in conflict with or in violation of any of the provisions of this code.

Amend 106.2 as follows:

106.2 Notice of violation. The Code Official shall serve a notice of violation, order, or citation in accordance with Section 107.

Amend 106.3 as follows:

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be punishable in accordance with Chapter 1 of the Mobile City Code. If the notice of violation is not complied with, the Code Official may also institute an appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Amend 106.4 as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws in accordance with Chapter 1 of the Mobile City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Amend section 107 as follows:

Amend 107.1 as follows:

107.1 Notice to owner or to person or persons responsible. Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the owner or the person responsible for the violation as specified in this code. Notices for condemnation procedures shall, except in cases of Emergency Measures as described in Section 109, also comply with Section 108.3 and Alabama Code Section 11053B-1 enacted on April 17, 2002, and Mobile City Code Section 11-81, Article 5, adopted November 26, 2002.

Amend 107.2 as follows:

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the violation or violations and why the notice is being issued;
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

Amend 107.3 as follows:

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally or posted in a conspicuous place in or about the structure affected by such notice;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Amend Section 108 as follows:

Replace language from 108.1 through 108.1.4 with the following:

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 hereinafter, 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.
- 26, 6. Costs included under Mobile City Code section 11-81, Article 5, adopted November
the 2002, shall be charged to the owner of the premises involved and shall be collected in
or 7. The provisions of this code shall not be held to deprive any Federal or State agency,
any applicable governing authority having jurisdiction, of any power or authority.

Delete sections 108.2, 108.3, 108.4, 108.4.1, 108.5, and 108.7

Amend Section 109 as follows:

Amend 109.1 as follows:

109.1 Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official or the Environmental Court Judge is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Amend 109.2 as follows:

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Code Official there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

Delete 109.4 in its entirety.

Delete 109.5 in its entirety.

Delete 109.6 in its entirety.

Delete Section 110, Demolition, in its entirety.

Delete Section 111, Means of Appeal, in its entirety. Add new Section 111 as follows:

111 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 Code which is adopted by separate

ordinance.

SECTION FOUR: Chapter Two of the 2009 International Property Maintenance Code shall be amended as follows:

Section 202 Definitions

Amend as follows:

Add the following definitions:

Flood Hazard Area. The area designated a flood hazard area in accordance with the Storm Water Ordinance adopted and administered by the City of Mobile's Engineering Department.

Hazard Limb. A tree limb the Urban Forester has determined to have a structural defect and location that increases the chance of failing and hitting a target. The combination of a defect and target can result in property damage or personal injury.

Hazard Tree. A tree the Urban Forester has determined to have a structural defect and location that increases the chance of failing and hitting a target. The combination of a defect and target can result in property damage or personal injury.

Historic Building. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; 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 on the National or State 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.

Luminaire. A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and ballast (where applicable), and to connect the lamps to the power supply.

Amend this definition:

Premises. A lot, plot or parcel of land, easement, public way or right-of-way, including any structures thereon.

Tree. A large woody perennial plant that grows to a mature height greater than 16 feet and typically has a single erect main stem (trunk) with side branches.

Tree Limb. Any of the main branches arising from the main stem (trunk) of the tree.

Urban Forester. The City of Mobile employee specially trained in forestry, urban forestry, arboriculture and urbiculture, or his/her duly authorized designee.

SECTION FOUR: Chapter Three of the 2009 International Property Maintenance Code shall be amended as follows:

Amend Section 302 as follows:

Amend 302.4 as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 (ten) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 302 Exterior Property Areas

Add as follows:

302.10 Hazard Tree. Any dead or hazard tree located on the premises which has the possibility to fall into the public way or right of way shall be removed.

302.11 Hazard Limb. Any dead or hazard tree limb two (2) inches or larger in diameter that is attached to a tree located on the premises which has the possibility to fall into the public way or right of way shall be removed.

Amend Section 304 as follows:

Amend 304.14 as follows:

304.14 Insect screens. Dwelling units which do not have a central air conditioning system shall have tightly fitting 16 mesh per inch screens on all exterior openable windows and doors used or required for ventilation. Screens on windows and doors shall be stretched and fitted and maintained without open rips or tears. A closing device shall be installed on all screen doors.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

SECTION FIVE: Chapter Six of the 2009 International Property Maintenance Code shall be amended as follows:

Amend Section 603 as follows:

Amend 603.4 as follows

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation and have automatic cut-off and safety valves.

SECTION SIX: 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 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