

**AN ORDINANCE TO ADOPT A RESIDENTIAL 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 Residential 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 "Residential 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 Residential 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 Residential 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sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.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.

**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 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.

**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. 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 inspections criteria shall be the same as for contractors in section R109. 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 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 must be at least 1 ½ inches high, identifying the firm's name.

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

**SECTION R101 GENERAL. Amend as follows:**

**R101.1 Title.** These provisions shall be known as the Residential Code for One-and Two-Family Dwellings of the City of Mobile, and shall be cited as such and will be referred to herein as "this Code."

**SECTION R102 APPLICABILITY. Amend as follows:**

**R102.4. Referenced codes and standards. Add as follows:**

**R102.4.2 Mechanical. Add as follows:**

**R102.4.2 Mechanical.** 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.

**R102.4.3 Plumbing. Add as follows:**

**R102.4.3 Plumbing.** 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.

**R102.4.4 Property Maintenance. Add as follows:**

**R102.4.4 Property Maintenance.** 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.

**R102.4.5 Fire Prevention. Add as follows:**

**R102.4.5 Fire Prevention.** 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.

**R102.5 Appendices. Amend as follows:**

**R102.5 Appendices.** The following appendices shall be adopted:

- Appendix E – Manufactured Housing Used as Dwellings
- Appendix F – Radon Control Methods
- Appendix G - Swimming Pools, Spas & Hot Tubs
- Appendix H - Patio Covers
- Appendix J - Existing Buildings and Structures
- Appendix K - Sound Transmission
- Appendix M - Home day care R-3 Occupancy

**SECTION R 103 DEPARTMENT OF BUILDING SAFETY. Amend as follows:**

**R103.1 Creation of enforcement agency. Amend as follows:**

**R103.1 Creation of enforcement agency.** The Department of Building Safety, herein shall be called **Urban Development**, is hereby created and the official in charge there of shall be known as the *Building Official*.

**SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL. Amend as follows:**

**104.10 Modifications. Amend as follows:**

**R104.10.1 Areas prone to flooding.** The *Building Official* shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1) without the granting of a variance to such provisions by the City Of Mobile Adopted Storm Water Ordinances. Shall be in accordance with International Building Code; applicable section, which is adopted by separate ordinance.

**SECTION R105 PERMITS. Amend as follows:**

**R105.2 Work exempt from permits. Amend as follows:**

**R105.2 Work exempt from permits.** Permits shall not be required for the following. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any

work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

**Building: By deleting the following:**

**105.2 Work exempt from permit. Delete sub-paragraph 2, 9 under “Building”.**

**Delete: Electrical, Gas, Mechanical or Plumbing, Section R105.2 Exemption.**

**R105.3 Application for permit. Amend as follows:**

**R105.3 Application for permit. Add sub-paragraphs as follows:**

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

**SECTION R108 FEES. Amend as follows:**

**R108.2 Schedule of permit fees Amend as follows:**

**R108.2 Schedule of permit fees.** 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 R112 BOARD OF APPEALS. Amend as follows:**

**Delete R112.1 through R112.4**

**R112.1 General Add as follows:**

**Section R112.1 General.** Board of Appeals shall be in accordance with applicable section of the International Building Code which is adopted by separate ordinance.

**R112.2 Determination of Substantial Improvements in flood prone areas. Add as follows:**

**Section R112.2 Determination of substantial improvements.** Shall be in accordance with the City of Mobile Storm Water and Drainage Ordinance. Already administered and enforced by the City of Mobile Engineering Department.

**R112.3 Criteria for Issuance of a Variance for areas prone to flooding. Add as follows:**

**R112.3: Criteria of issuance of a variance for areas prone to flooding.** Variance for areas prone to flooding shall be in accordance with the City of Mobile Storm Water Drainage Ordinance.

**SECTION R113. VIOLATIONS. Amend as follows:**

**R113.4 Violation penalties.** Any person who violates a provision of this code or shall fail 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 Code 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. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(A) Violation of the provisions of the 2009 International Residential Code (IRC) shall be subject to \$250.00 unless otherwise listed below:

1. Occupying building without Certificate of Occupancy \$300.00
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 NINE:** Chapter 2 of the 2009 International Residential 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 Residential Code shall be amended as follows:

**SECTION R301 DESIGN CRITERIA.** Amend as follows:

**Table R301.2 (1).** Amend as follows:

TABLE R301.2(1)

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Design		Seismic Design Category	Subject To Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
	Speed (MPH)	Topographic Effects		Weathering	Frost Line Depth	Termites					
0	135	No	A	Negligible	12 Inches	Needed	29	No	Yes	1500	67.5 degrees

**SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEM.** Amend as follows:

**SECTION R313.** Delete in its entirety

**SECTIONR313 AUTOMATIC FIRE SPRINKLER SYSTEM.** Add as follows.

**SECTION R313. AUTOMATIC FIRE SPRINKLER SYSTEM.** Shall be in accordance with the State of Alabama Energy Conservation Code.

**SECTION R318 PROTECTION AGAINST SUBTERRANEAN TERMITES.** Amend as follows:

**R318.2.1 Treatment verification.** Add as follows:

**R318.2.1 Treatment verification.** 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 or field applied wood treatment and materials used.

**SECTION R322 FLOOD-RESISTANT CONSTRUCTION.** Amend as follows:

**R322.1 General.** Amend as follows:

**R322.1 Establishment of special flood hazard area.** Add to the following paragraphs:

**R322.1 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 a 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 ELEVEN:** Appendix "E" of the 2009 International Residential Code shall be amended as follows:

**APPENDICES.** Amend as follows:

**AE304 FEES.** Delete in its entirety.

**AE304.3.3.1 Permit fee paid when no work done.** Delete in its entirety.

**AE304.3.3.3 Plan review fee.** Delete in its entirety.

**SECTION TWELVE:** Chapter 11 through Chapter 23 of the 2009 International Residential Code shall be amended as follows:

**Chapter 11 through Chapter 23 Delete its entirety.** All references to mechanical systems shall be deleted in its entirety; and design, installation, maintenance, alterations, equipment, and inspections shall be in compliance with the 2009 International Mechanical Code which is adopted by separate ordinance.

**SECTION THIRTEEN:** Chapter 24 of the 2009 International Residential Code shall be amended as follows:

**Chapter 24 Fuel Gas. Delete its entirety.**

**SECTION FOURTEEN:** Chapter 25 through Chapter 33 of the 2009 International Residential Code shall be amended as follows:

**Chapter 25 through Chapter 33. Delete its entirety.** All references to plumbing systems shall be deleted in its entirety; and design, installation, maintenance, alterations, equipment, and inspections shall be in compliance with the 2009 International Plumbing Code which is adopted by separate ordinance.

**SECTION FIFTEEN:** Chapter 34 through Chapter 43 of the 2009 International Residential Code shall be amended as follows:

**Chapter 34 through Chapter 43. Delete its entirety.** All references to electrical systems shall be deleted in its entirety; and design, installation, maintenance, alterations, equipment, and inspections shall be in compliance with the 2008 National Electrical Code which is adopted by separate ordinance.

**SECTION SIXTEEN: 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