

**AN ORDINANCE TO ADOPT A
FIRE 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 32-19-2 (1975), the 2009 Edition of the International Fire Code (IFC) and Appendices B, C, D, and I, along with the amendments to the same contained in this Ordinance is hereby adopted immediately as the "Fire Code of the City of Mobile." A copy of the 2009 International Fire Code and cited appendices shall be on file in the office of the City Clerk 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 Fire Code to be published in a newspaper, nor shall the same be fully published in the minutes of this Council, but this Ordinance shall be recorded in said minutes.

SECTION THREE: Effective Date. The said 2009 International Fire Code shall be in full force and become effective immediately after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.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 fire protection systems contractors shall be set forth herein.

Fire Protection Systems Contractor Responsibility. In addition to the requirements as set forth herein, proof of competency is required from all individuals, agents or businesses that choose to design install and/or replace components of a fire protection system. Fire alarm and fire protection sprinkler system contractors are required to furnish a copy of their mandated Alabama State Fire Marshal's permit. All other contractors are required to furnish copies of applicable permits, licenses, certifications or other such documentation from organizations and/or manufacturer of the system that demonstrates competency to design, install or otherwise work on fire protection systems or components of these systems or equipment.

SECTION FIVE: Liability Insurance. In addition to the requirements as set forth herein, it shall be the duty of every contractor applying for a permit to provide a current copy of their certificate of liability insurance by directing their Insurance Agency to fax a copy with every permit application stating coverage in the amount of one million dollars (\$1,000,000.00) and listing the City of Mobile Fire-Rescue Department Bureau of Fire Prevention as the certificate holder.

SECTION SIX: Chapter one of the 2009 International Fire Code shall be amended as follows:

SECTION 101 SCOPE AND GENERAL REQUIREMENTS. Amend as follows:

101.1 Title. Amend as follows:

101.1 Title. These regulations shall be known as the *Fire Code* of the City of Mobile, Alabama. Herein referred to as, “This Code.”

SECTION 102 APPLICABILITY. Amend as follows:

102.4.1 Application of the property maintenance code. Add as follows:

102.4.1 Application of the property maintenance code. The 2009 International Property Maintenance Code and adopted ordinances shall apply to all existing structures and premises; equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

102.4.2 Application of the electrical code. Add as follows:

102.4.2 Application of the electrical code. The 2008 National Electrical Code and adopted ordinances shall apply to all new construction and existing building undergoing repairs, alteration, and change of occupancy.

102.4.3 Application of the mechanical code. Add as follows:

102.4.3 Application of the mechanical code. The 2009 International Mechanical Code and adopted ordinances shall apply to new construction, existing building undergoing repairs, alteration, and change of occupancy.

102.4.4 Application of the plumbing code. Add as follows:

102.4.4 Application of the plumbing code. The 2009 International Plumbing Code and adopted ordinances shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fitting and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

102.7 Referenced codes and standards. Amend as follows:

102.7 Referenced codes and standards. The codes and standards referenced in this code and any subsequent revisions or amendments to the referenced codes and standards

thereto, shall be those that are listed in Chapter 47 and as such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. When differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

SECTION 103 DEPARTMENT OF FIRE PREVENTION. Amend as follows:

103.1 General. Amend as follows:

103.1 General. The City of Mobile Fire-Rescue Department shall be under the direction of the Fire Chief. The Fire-Rescue Department shall respond to all fire calls and attend all fires within the City of Mobile and its police jurisdiction. The Fire Chief or his or her designee shall serve as the fire code official who shall be responsible for the implementation, administration and enforcement of the provisions of this code.

103.1.1 Indemnification and liability. Add as follows:

103.1.1 Indemnification and liability. Any person who requests emergency action to which the fire department responds shall indemnify and hold the city, its elected officials and employees, whole and harmless from any and all costs, liabilities, and claims for damages (including reasonable attorneys' fee, losses, expenses or similar matters) (collectively, the "losses") suffered or incurred by the city to the extent that such losses arise out of any claim or action brought by a third party relating to the emergency action.

103.1.2 Emergency service cost recovery within the police jurisdiction. Add as follows:

103.1.2 Emergency service cost recovery within the police jurisdiction. Definitions. The following definitions apply in this chapter and remain defined terms whether capitalized or not:

1. *City* means the City of Mobile, Alabama.
2. *Department* means the city's fire department.
3. *Emergency action* means any activity undertaken by the department to protect the life, health, and property of any person from fire, trauma, acute illness, and hazardous conditions outside the corporate limits and within the police jurisdiction.
4. *Person* means any natural or corporate person, business association or other business entity including a partnership, sole proprietorship, political subdivision, public or private agency of any kind, or any other legal entity that requests emergency action.
5. *Recoverable expenses* means all costs attributable to an emergency action within the police jurisdiction including, but not limited to:
 - a. Disposable materials and supplies acquired, consumed and expended specifically for the purpose of the emergency action;
 - b. Any compensation payable to employees, consultants and contractors for time and effort devoted to the emergency action;

- c. Replacement costs for city equipment that is damaged beyond reuse or repair; and
- d. Costs for service by engine or truck companies, fireboats, incident commanders, technical rescue units, technical rescue fees and incident management fees, if incurred.

103.1.3 Recovery of expenses. Add as follows:

103.1.3 Recovery of expenses.

1. Any person requesting emergency action which requires a response within the police jurisdiction shall pay to the city all recoverable expenses within thirty (30) days after receiving an itemized statement from the department.
2. *Appeal.* Any person who disagrees with the itemized statement may appeal to the fire chief by filing written notice of appeal within thirty (30) days after receiving the itemized statement. The fire chief may adjust the itemized statement if s/he finds and determines that the department erred in preparing the statement.

SECTION 105 PERMITS. Amend as follows:

105.3.6 Compliance with code. Amend as follows:

105.3.6 Compliance with code. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the fire code official from requiring the correction of errors in the construction documents and other data. Any addition to or alteration of approved construction documents shall be approved in advance by the fire code official, as evidenced by the issuance of a new or amended permit.

105.4.3 Applicant responsibility. Amend as follows:

105.4.3 Applicant responsibility. It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards. Review and approval of the fire code official does not relieve the applicant of the responsibility of compliance with this code.

105.6.35 Private Fire Hydrants. Amend as follows:

105.6.35 Private Fire Hydrants. A permit for underground piping is required for the removal from service and installation of private fire hydrants.

105.6.43 Temporary membrane structures and tents. Amend as follows:

105.6.43 Temporary membrane structures and tents. A permit for a temporary structure shall be obtained from the Building Code Official at the City of Mobile's Urban Development office. An on-site fire and life safety compliance inspection will be required from the Fire Code Official.

SECTION 106 INSPECTIONS. Amend as follows:

106.2. 2 Approval Required. Add as follows:

106.2. 2 Approval Required. Fire protection system contractors are required to perform pre-inspections and tests of the system and complete the National Fire Protection Association (NFPA) Installation Certification form before requesting inspection. The request for inspection shall be at least 24 hours in advance. Upon arrival for a fire protection system acceptance test the Fire Inspector shall be furnished with the original copy of the installation permit and a completed signed NFPA Installation Certification form from the contractor.

SECTION 108 BOARD OF APPEALS. Amend as follows:

Delete articles 108.1 through 108.3.

Add new article as follows:

108.1 Construction Board of Appeals. 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 109 VIOLATIONS. Amend as follows:

109.3 Violation penalties. Amend as follows:

109.3 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 the fire 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 Fire Code (IFC) shall be subject to \$250.00 fine unless otherwise listed below:

1. Working without proper license, certifications or permit. \$500.00
2. Interference with a fire code official. \$100.00

109.3.1 Additional Remedies. Add as follows:

109.3.1 Additional Remedies. The remedies provided in this code are not exclusive or in lieu of any other rights and remedies that the city may have at law or equity.

SECTION 110 UNSAFE BUILDINGS. Amend as follows:

110.3 Summary abatement of unsafe buildings. Amend as follows:

110.3 Summary abatement of unsafe buildings. The provisions of the currently adopted Property Maintenance Code shall apply.

110.4 Abatement of unsafe buildings. Amend as follows:

110.4 Abatement of unsafe buildings. The provisions of the currently adopted Property Maintenance Code shall apply.

SECTION 113 FEES. Amend as follows:

113.2 Fees Amend as follows:

113.2 Fees A permit fee schedule shall be made public and a copy will be posted in the Bureau of Fire Prevention office and City of Mobile's web site.

SECTION SEVEN. Chapter two of the 2009 International Fire Code shall be amended as follows:

SECTION 202 DEFINITIONS. Amend as follows:

202 Child Care Facility. A child care facility that provides care for more than five but no more than 100 children 2 ½ years or less of age, where the rooms with which the children are cared for are located on a level of exit discharge (first floor) serving such rooms has an exit door directly to the exterior, shall be classified as Group E Occupancy.

1. If all conditions listed above for child care are not met the child care facility shall be classified as Group I-4.

SECTION EIGHT. Chapter three of the 2009 International Fire Code shall be amended as follows:

SECTION 308 OPEN FLAMES. Amend as follows:

308.4 Group R-2 occupancies. Amend as follows:

308.4 Group R-2 occupancies. Open flame, fire and burning in Group R occupancies shall comply with the requirements of Sections 308.1 through 308.1.6.3 and 308.4.1. The management of multi-family residential occupancies which have balconies, decks, or

patios shall notify their tenants in writing of the prohibitions of open flame cooking devices on balconies as outlined in 308.1.4 of this code when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance.

SECTION NINE. Chapter five of the 2009 International Fire Code shall be amended as follows:

SECTION 503 FIRE APPARATUS ACCESS ROADS. Amend as follows:

503.2.3 Surface. Amend as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained in accordance with: Appendix D FIRE APPARATUS ACCESS ROADS Section D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighting at least 75,000 pounds.

SECTION 506 KEY BOXES. Amend as follows:

506.1 Where required. Amend as follows:

506.1 Where required. All buildings with fire alarm and fire protection sprinkler systems are required to install an approved key box for rapid fire department entry into the building. All buildings requiring a fire department inspection for Certificate of Occupancy (CO) will require an approved key box. Entry keys/cards to all parts of the building are required to be placed in the key box and shall be maintained in accordance to 506.2.

SECTION 507 FIRE PROTECTION WATER SUPPLIES. Amend as follows:

507.2.1 Private fire service mains Amend as follows:

507.2.1 Private fire service mains. Shall require a permit and be installed in accordance with NFPA 24 Standard for the Installation of Private Fire Service Mains and Their Appurtenances and corresponding Annexes “A” Explanatory Material; Annex “B” Valve Supervision Issues; Annex “C” Recommended Practice for Fire Flow Testing; and Annex “D” Recommended Practice for Marking of Hydrants.

Additional requirements:

All private fire hydrants shall have a control valve located and clearly marked near the hydrant.

1. All barrels of private fire hydrants shall be light gray and all tops (bonnets) and caps shall be painted per NFPA 24 D.5.1.2 flow capacity-indicating color scheme.
2. A blue reflective hydrant marker shall be placed in the street at a right angle to the hydrant (90 degrees) approximately one foot from the center line and toward the

hydrant. Where the hydrant is on intersecting streets a marker shall be placed on both streets.

SECTION TEN. Chapter six of the 2009 International Fire Code shall be amended as follows:

SECTION 603 FUEL-FIRED APPLIANCES. Amend as follows:

603.4.2.1.2 Clearance to buildings. Amend as follows:

603.4.2.1.2 Clearance to buildings. Portable outdoor gas-fired heating appliances shall be located at least 5 feet (1524 mm) from buildings, exits, or other combustibles.

SECTION ELEVEN. Chapter nine of the 2009 International Fire Code shall be amended as follows:

SECTION 901 GENERAL. Amend as follows:

901.2.1 Statement of compliance. Amend as follows:

901.2.1 Statement of compliance. Before requesting final approval of the installation, the installing contractor shall furnish a written statement to the Bureau of Fire Prevention that the subject fire protection system has been installed in accordance with approved plans and has been tested in accordance with the manufacturer's specifications and the appropriate installation standard. Any deviations from the design standards shall be noted and copies of the approvals for such deviations shall be attached to the written statement.

901.2.1.2 Professional certification. Add as follows:

901.2.1.2 Professional certification. Automatic sprinkler system, standpipe systems and fire alarm system contractors shall be certified by the Alabama State Fire Marshal's Office before applying for permission to perform work on these systems within the City's jurisdiction. All other fire protection system contractors shall submit proof of certification from the fire protection system's manufacturer to perform work on those systems. The fire protection system permit requirements does not relieve the permitted of additional qualifications and permits required from other adopted codes and ordinances.

901.7 Systems out of Service. Amend as follows:

901.7 Systems out of Service. An approved fire watch shall be required where a fire protection system is out of service in an unprotected occupied structure.

SECTION 904 ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS. Amend as follows:

904.11 Commercial cooking systems. Amend as follows:

904.11 Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. Pre-engineered automatic dry- and wet-chemical extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application. Other types of automatic fire-extinguishing systems shall be listed and labeled for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. Automatic fire-extinguishing systems of the following types shall be installed in accordance with the most recent edition of the referenced standard indicated, as follows:

1. Carbon dioxide extinguishing systems, NFPA 12
2. Automatic sprinkler systems, NFPA 13
3. Foam-water sprinkler system or foam-water spray systems, NFPA 16
4. Wet-chemical extinguishing systems, NFPA 17A.

SECTION 907 FIRE AND DETECTION SYSTEMS. Amend as follows:

907.2 Where required – new buildings and structures. Amend as follows:

907.2 Where required – new buildings and structures. A minimum of one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or water-flow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single box shall be installed.

SECTION 912 FIRE CONNECTIONS. Amend as follows:

912.3.1 Locking Fire Department Connection Caps. Amend as follows:

912.3.1 Locking Fire Department Connection Caps. Locking caps are required on fire department connections for water-based fire protection systems unless the fire department connection is located inside a security guard-maintained, fenced facility and the Bureau of Fire Prevention has approved the site.

913 FIRE PUMPS. Amend as follows:

913.2 Protection against interruption of service. Amend as follows:

913.2 Protection against interruption of service. The fire pump, driver, and controller shall be protected in accordance with NFPA 20 and the electrical code against possible interruption of service through damage caused by explosion, fire, flood, earthquake,

rodents, insects, windstorm, freezing, vandalism and other diverse conditions. All electric fire pumps shall require an emergency generator for an alternate source of power.

SECTION TWELVE. Chapter fourteen of the 2009 International Fire Code shall be amended as follows:

SECTION 1404 PRECAUTIONS AGAINST FIRE. Amend as follows:

1404.5 Fire Watch. Amend as follows:

1404.5 Fire Watch. For building demolition that is hazardous in nature, qualified personnel shall be provided to serve as an on-site fire watch. Fire watch personnel shall be provided with at least one approved means for notification to the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire.

SECTION 1405 FLAMMABLE AND COMBUSTIBLE LIQUIDS. Amend as follows:

1405.6 Leakage and spills. Amend as follows:

1405.6 Leakage and spills. Leaking vessels shall be immediately repaired or taken out of service and spills shall be cleaned up and disposed of properly. Spills in excess of 25 gallons shall be reported to the Mobile Fire-Rescue Department Communication Division.

SECTION THIRTEEN. Chapter sixteen of the 2009 International Fire Code shall be amended as follows:

SECTION 1607 WARNING SIGNS. Amend as follows:

1607.1 When required. Amend as follows:

1607.1 When required. Warning signs indicating the danger involved and necessary precautions shall be posted on all doors and entrances to the premises.

SECTION FOURTEEN. Chapter seventeen of the 2009 International Fire Code shall be amended as follows:

SECTION 1703 FIRE SAFETY REQUIREMENTS. Amend as follows:

1703.3 Notification. Amend as follows:

1703.3 Notification. The fire chief shall be notified by telephone at least 24 hours before the structure is to be closed in connection with the utilization of any toxic or flammable fumigant. Notification shall give the location of the enclosed space to be fumigated or fogged, the occupancy, the fumigants or insecticides to be utilized, the person or persons

responsible for the operation, and the date and time at which the operation will begin. Notice of any fumigation or thermal insecticidal fogging shall be served with sufficient advance notice to the occupants of the enclosed space involved to enable the occupants to evacuate the premises.

SECTION FIFTEEN. Chapter thirty-three of the 2009 International Fire Code shall be amended as follows:

SECTION 3301 GENERAL. Amend as follows:

3301.2.4 Financial responsibility. Amend as follows:

3301.2.4 Financial responsibility. Before a permit is issued, as required by Section 3301.2, the applicant shall furnish proof of approval from the Alabama State Fire Marshal and a certificate of liability insurance in the amount of one million dollars listing the City of Mobile as an additional insured.

3301.2.4.2 Fireworks display. Amend as follows:

3301.2.4.2 Fireworks display. The permit holder shall furnish proof of approval from the Alabama State Fire Marshal and a certificate of liability insurance in the amount of one million dollars listing the City of Mobile as additional insured.

SECTION SIXTEEN. 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:

City Clerk

**AN ORDINANCE TO ADOPT AN ELECTRICAL 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 2008 Edition of the National Electrical 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 _____, 2010, is hereby adopted as the “Electrical 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 2008 National Electrical 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 2008 National Electrical 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 electrical contactors shall be set forth herein.

It shall be unlawful and an offense against the city for any person to work as a master electrician, journeyman electrician, low voltage electrician, or maintenance electrician without first obtaining a certificate of competency from the board of electrical examiners.

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 Examining Board 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.

(A) Creation of the Board of Electrical Examiners. There is hereby created the Board of Electrical Examiners of the City of Mobile.

(B) Appointments. Board of Electrical Examiners members shall be appointed by the City Council.

(1) Members of the Board of Electrical Examiners shall be chosen in a manner to reflect a balanced representation of individuals or organizations. The Chairman of the Board of Electrical Examiners shall be the Electrical Official.

(2) The Board of Electrical Examiners shall consist of not fewer than seven (7) voting members. Board of Electrical Examiners members shall be selected from the following:

- (1) A City of Mobile Certified Master Electrician appointed by the council.
- (2) A City of Mobile Certified Journeyman Electrician appointed by the council.
- (3) A qualified and competent nominee submitted by the International Brotherhood of Electrical Workers Local 505.
- (4) A qualified and competent nominee submitted by the National Electrical Contractors association.
- (5) A qualified and competent nominee submitted by the Master Electricians Association of Alabama.
- (6) A qualified and competent nominee submitted by the Alabama Power Company.
- (7) A qualified and competent nominee submitted by the Associated Builders and Contractors Association of South Alabama.

(C) Terms. Each member of the "Board of Electrical Examiners" shall serve a term of four years, but any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term. Members shall be eligible for reappointment. This Ordinance shall not serve to vacate any appointment made prior to the effective date of the Amendment.

(D) Compensation. Each appointed member shall receive no compensation.

(E) Quorum. A quorum as established by the Board of Electrical Examiners operating procedures shall be required to conduct Board of Electrical Examiners business. The Board of Electrical Examiners shall hold such meetings as necessary. The Chair or a majority of the members of the Board of Electrical Examiners shall have the authority to call meetings of the Board of Electrical Examiners.

(F) Duties. It shall be the duty of the Board of Electrical Examiners to:

- (1) Adopt the necessary rules and regulations to administer and enforce this Code.
- (2) Establish qualifications of electrical contractors.
- (3) Revoke or suspend the recognition of any electrical certification for the jurisdiction.
- (4) After advance notice of the public hearings and the execution of such hearings, as established by law, the Board of Electrical Examiners is authorized to establish and update the provisions for the safety of electrical installations to conform to the currently adopted edition of the National Electrical Code (NFPA 70) and other nationally recognized safety standards for electrical installations.
- (5) Establish procedures for recognition of electrical safety standards and acceptance of equipment conforming to these standards.

(G) Examinations. The Board of Electrical Examiners shall hold examinations for master electricians, journeyman electricians, and maintenance electricians at least twice yearly.

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(H) Policies and Procedures. The Board of Electrical Examiners shall promulgate policies and procedures for the administration of examinations, which shall be on file with the Clerk of the City and available in the electrical inspection unit.

(I) Suspension or Revocation of Certificates of Competency. After a hearing following notice, the board shall have the power to suspend any certificate of competency issued by it for a period of not more than thirty (30) days, and may revoke certificates of competency issued

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by it, upon evidence presented to it that the holder of such certificate of competency has persistently or willfully violated the provisions of this code. When such certificate is revoked, the holder thereof shall not be entitled to apply for a new certificate within six months of the date of such revocation.

(J) Complaints. Whenever a complaint is made to the Board of Electrical Examiners concerning any holder of a certificate of competency and the Board of Electrical Examiners finds there is probable cause that the complaint is grounded in fact and that the facts, if true, would warrant revocation of the certificate, then the Board of Electrical Examiners shall hold a meeting at which meeting the certificate holder and complainant may appear and present evidence as to such charges and defenses. Notice of the meeting shall be given to the holder of the certificate of competency not less than fifteen (15) days prior to the date set for said meeting and shall specify, in detail, the basis of the charges against him or her.

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(K) Continuing Education Requirements for Holders of Active Certificates of Competency.

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(1) Each person who is certified by the Board of Electrical Examiners must, as a condition of renewal of the certificate, provide proof of at least fourteen (14) classroom hours of continuing education in one or more courses approved by the Board of Electrical Examiners per three-year period.

(2) A person who holds more than one certificate issued by the Board of Electrical Examiners is required to complete the continuing education requirements only once during each three-year period. Proof of completion by any such person must be submitted with the renewal application.

(3) No continuing education requirements apply for the year in which a certificate is initially issued.

(L) Certification Issuance and Renewal Fee.

Table 1

Maintenance Electrician	\$50.00
Journeyman Electrician	\$50.00
Duplicate Card Fee	\$10.00
Master Electrician	\$30.00 with Business License
Low Voltage Certificate Fee	\$50.00
State Issuance Fee	\$25.00
Inactive Master	\$10.00 per year
Inactive Master Conversion Fee	\$250.00
Apprentice / Trainee Certificate	\$10.00
Certification late renewal	Double Fee

Electrical Exam Fees:

Master Electrical Exam Fee	\$145.00
Journeyman Electrical Exam Fee	\$95.00
Maintenance Electrical Exam Fee	\$95.00

* All Electrical fees shall comply with the City of Mobile ordinance know as the "Building Code Permit Fee Schedule Ordinance"

(M) Certificate Fees and Terms.

Table 2

<u>Application</u>	<u>Fee</u>	<u>Prerequisite</u>	<u>Term of Certificate of Competency</u>
Application for maintenance electrician examination	\$95	Same as Journeyman	
Application for master electrician examination		Any person shall be eligible for examination as a master electrician who has been in actual employment as a certified journeyman electrician for at least one (1) year, or has passed a previous examination with the city as a master electrician, or has a professional electrical engineering license, or such experience in the electrical field as shall be approved by the board of electrical examiners, or has had five (5) years of such experience in the design of electrical systems and their construction shall be approved by the board of examiners.	Master certificates will expire the day prior to March 1 and shall be renewed every three (3) years between January 1 and March 1 without a re-examination, under one of the following provisions: (1) \$30 fee if purchasing a city electrical contractor's license; (2) if not purchasing a city electrical contractor's license a fee equivalent to the amount paid for the minimum electrical contractor's business license.
Application for journeyman examination	\$95	Four years' experience as an apprentice or a current journeyman or master electrician in another jurisdiction of the state or other training approved by the board of electrical examiners	5 years

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Table 2 Continued

<u>Application</u>	<u>Fee</u>	<u>Prerequisite</u>	<u>Term of Certificate of Competency</u>
Application for Associate journeyman	\$95	An applicant for a certificate of competency as an associate journeyman must have had at least two (2) years practical experience as an apprentice of a journeyman electrician or master electrician, or shall be sponsored by the Electrical Department of the City Mobile or must have had other training approved by the board of electrical examiners.	
Application for low voltage examination	\$95	Low Voltage Contractors must be licensed by the Alabama Electronics Security Board and must be issued a limited certificate of competency by the City. Worked performed under the certificate shall be limited to the specific installation specified on the certificate.	5 years
Reciprocal certificate of competency	\$100	Applicants who attain a minimum score of 70% on an Examining Board approved commercially-produced standardized test administered by an approved governmental agency, shall be eligible for a certificate of competency, without additional examination, subject to payment of the required fee.	
Replacement of lost certificates	\$10		

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Table 2 Continued

<u>Application</u>	<u>Fee</u>	<u>Prerequisite</u>	<u>Term of Certificate of Competency</u>
Inactive master's certificate basis until the next licensing period (January 1--March 1). During this regular licensing period (January 1--March 1) an "inactive" certificate may be converted to an "active" certificate by compliance with the electrical code. Also a holder of an "inactive" certificate may acquire an active master's certificate at any time during the year by a successful completion of the prescribed master examination.	\$10		

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SECTION FIVE: Surety Bond.

(A) 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.

(B) 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 electrical business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

(C) The surety bond form must be signed by the master electrical certificate holder and the electrical contractor.

SECTION SIX: Criteria for Owners to Obtain Permit.

For the purpose of this code, an owner physically doing the work themselves on the residence that they occupy, may be issued a permit upon the electrical official's satisfaction that the owner is competent to perform the work for which the permit is requested and completion of an electrical 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 as set forth herein.

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

SECTION EIGHT: ARTICLE 90 OF THE 2008 NATIONAL ELECTRICAL CODE TO BE AMENDED AS FOLLOWS:

AMEND ARTICLE 90 AS FOLLOWS:

Amend "90.4 Enforcement" by adding "Paragraph 90.4.1 Administration." to read as follows:

90.4.1 Administration.

(A) General.

(1) The provisions of this code shall apply within the corporate limits of the City of Mobile, and to all City owned property not located in the corporate limits of the City of Mobile, to electric conductors and equipment installed within or on public and private buildings and other premises, including parking lots, carnivals, yards and industrial sub-stations; also, the conductors that connect the installations to a supply of electricity, and other outside conductors adjacent to the premises. All electrical systems shall be properly permitted and inspected as required by this code.

(2) Nothing in this code shall prevent any homeowner from making an electrical installation within his/her own property boundaries, providing such electrical work is done by himself and is in a building used exclusively by him or his/her family. Such privilege does not convey the right to violate any of the provisions of this code, nor is it to be construed as exempting any such property owner from obtaining a permit and paying required fees therefore.

(3) Nothing in the Electrical Code of the City of Mobile will be construed to relieve or lessen the responsibility or liability of any person, firm or corporation for injury or damage to any person or property caused by or resulting from any malfunction or defects of any nature in any electrical work performed by said person, firm, or corporation or in any electrical equipment owned, controlled, installed, operated or used by them. Nor shall the city, or any officer, agent, or employee thereof, incur or be held as assuming any liability by reason or in consequence of any permit, permission, certificate of inspection, inspection, or approval authorized therein, or issued or given

as herein provided or by any reason or consequence of any actions done or acts performed pursuant to any provision of this Code.

(B) Applicability.

(1) General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirements and a specific requirement, the specific requirement shall be applicable.

(2) Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

(3) Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

(4) Referenced Codes and Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

(5) Partial Invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(6) Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Property Maintenance Code, International Existing Building Code or the International Fire Code, or as is deemed necessary by the Electrical Official for the general safety and welfare of the occupants and the public.

(7) Additions, Alterations or Repairs. Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

(8) Historic Buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings, including those listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic Places or eligible for listing in the Alabama Register of Landmarks or the National Register of Historic Places, when such buildings or structures are judged by the Electrical Official to be safe and in the public interest

of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

(9) Listing.

(1) All electrical work and all materials and appliances used in connection therewith done within the City of Mobile shall conform to the requirements and provisions of the 2008 National Electrical Code, except as changed by the provisions hereof, which said requirements and provisions are hereby adopted and approved as a part thereof as fully and completely as if herein set out in haec verba.

(2) All electrical materials, wiring devices, signs, appliances, and equipment used in electrical installations in the City of Mobile whether wholesale or retail in nature shall bear listing label of a nationally recognized testing laboratory or be approved by the Urban Development Department, Electrical Inspection Unit of the City of Mobile.

(10) Establishment of Special Flood Hazard Areas.

(1) 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.

(2) 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.

(3) 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.

(C) Electrical Inspection Unit.

(1) Restrictions on Employees. No officer or employee connected with the department, except one whose only connection is a member of the board established by this code, shall be financially interested in the furnishing of labor, material, or appliances for the construction, authorization, or maintenance of a building. No such officer or employee shall engage in any work, which is inconsistent with his/her duties or with the interest of the department.

(2) Liability. The Electrical Official or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the

proceedings. The Electrical Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

(3) Identification. The Electrical Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

(4) Department Records. The Electrical Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public record.

(D) Duties and Powers of the Code Official.

(1) General. The Electrical Official is hereby authorized and directed to enforce the provisions of this code. The Electrical Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(2) Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the Electrical Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Electrical Official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the Electrical Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Electrical Official shall have recourse to the remedies provided by law to secure entry.

(3) Notices and Orders. The Electrical Official shall issue all necessary notices or orders to ensure compliance with this code.

(4) Suspension or Revocation. The Electrical Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

(5) Interference with Electrical Official.

It shall be unlawful for any person to interfere with the Electrical Official or any of his/her duly authorized representatives when they are performing any of their duties as set out in this Code or in other ordinances of the City of Mobile.

(E) Approval.

(1) Notices. Upon the completion of the Electrical wiring of any Building, and/or upon the completion of any alteration or change or repair, it shall be the duty of the contractor doing the electrical work to notify the Electrical Official or his/her duly authorized designee that such work is completed, who shall then inspect or cause such wiring or appliances to be inspected, and if approved by him, shall issue and attach a certificate of approval.

(2) Certificate of Approval. It shall be unlawful to use or permit the use of, or to supply current for electric wiring for light, heat or power in a building or structure unless the required certificate of approval has been issued; provided, however, the Electrical Official or his/her duly authorized designee may in his/her discretion give temporary permission for a reasonable time to supply and use current in parts of an electrical installation before such installation has been fully completed and the Certificate of Approval issued.

(F) Permits.

(1) Application for Permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the department of Urban Development for that purpose. Such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- (3) Indicate the use and occupancy for which the proposed work is intended.
- (4) Be accompanied by construction documents.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant, or the applicant's authorized agent.
- (7) Give such other data and information as required by the Electrical Official.
- (8) Applicant must provide proper identification to verify ownership of property.
- (9) Application for an electrical permit shall be granted only to the homeowner, or to a master electrician or to the master electrician's authorized agent.

(2) Time limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Electrical Official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(3) Action on Application. The Electrical Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Electrical Official shall reject such application in writing, stating the reasons therefore. If the Electrical Official is satisfied that the proposed work conforms to the

requirements of this code and laws and ordinances applicable thereto, the Electrical Official shall issue a permit therefore as soon as practicable.

(4) Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Electrical Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(5) Placement of Permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.

(6) Plans and Specifications. Plans and specifications must meet the requirements of Section 107 of the Ordinance of the City of Mobile adopting the 2009 edition of the International Building Code.

(7) Schedule of Fees. On all electrical installations requiring an electrical permit, a fee for each electrical permit shall be paid as required at the time of application, in accordance to the Building Codes Permit Fee Schedule Ordinance as adopted by separate ordinance.

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(G) Inspections and Testing.

(1) Inspection Required. During and upon completion of any installation, alteration, or extension of an electrical wiring system, the Electrical Official shall inspect the work to assure compliance with the electrical code.

(2) Concealed Work. During and upon completion of any installation, alteration, or extension of an electrical wiring system, the Electrical Official shall inspect the work to assure compliance with the electrical code.

(3) Conformity. The Electrical Official shall within a reasonable time after notice of the completion of the electrical wiring for which a permit is required by this code, make or cause to be made an inspection of such work and such tests as may be necessary to determine that it conforms to the code.

(4) Re-inspection. The Electrical Official may conduct any re-inspection in the interest of public safety. If an electrical wiring system is found to be defective and unsafe, the electrical official shall revoke all certificates relating to such systems, and the use of such system shall be discontinued until compliance is achieved and a new certificate issued.

(5) Defective Work. If an electrical wiring system upon re-inspection is found to be defective and unsafe, the Electrical Official or his/her duly authorized designee shall revoke all certificates in effect at that time relating to such systems; and the use of such electrical wiring system shall be discontinued until it has been made to conform to this code and a new certificate of approval has been issued by the Electrical Official or his/her duly authorized designee.

(6) Certificate of Approval. Upon the making of the final inspection of an electrical wiring system, if the same be approved, then the Electrical Official or his/her duly authorized designee shall issue or cause to be issued a certificate of approval, as hereinafter provided, and the same shall be attached to the electrical wiring system.

(7) Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Electrical Official. The Electrical Official upon notification shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until approved.

(8) Underground Inspection. Underground inspection is to be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

(9) Rough-in Inspection. Rough-in inspection is to be made after the roof, framing fire-blocking, bracing and rough wiring is in place and prior to the installation of wall or ceiling membranes.

(10) Final Inspection. Final inspection is to be made after the building is complete, all required fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(H) Connection or Reconnection of Services.

(1) No person shall make connections from a utility, source of energy or power to any building or system for which a permit is required, until approved by the electrical official.

(2) The electrical official shall have the sole authority to authorize and approve the temporary connection of the building or system to the utility source of energy or power. Prior to energizing electrical power for the entire building, the electrical contractor shall submit a written action plan to the Electrical Official for approval.

(3) Whenever electrical service has been discontinued in a building or structure for a period exceeding six (6) months, the electrical official shall inspect the service equipment and readily accessible wiring before reconnection of the power supply.

(4) The electrical official shall have the authority to authorize disconnection of utility service to a building, structure or system regulated by this code with the exception that, in the case of an emergency threatening immediate hazard to life or property, a utility connection may be made without prior approval. The electrical official shall notify the serving utility, and if possible, the owner and occupant of the decision to disconnect before the disconnection are affected.

(I) Violation Penalties.

(1) 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 electrical work in violation of the approved construction documents or directive of the electrical official, or of a permit or

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certificate issued under the provisions of this code, shall be guilty of a misdemeanor. Each day a violation continues after due notice has been served shall be deemed a separate offense.

(2) Interference with electrical official. It shall be unlawful for any person to interfere with the electrical official or any of his/her duly authorized representatives when they are performing any of their duties as set out in this Code or in other ordinances of the city.

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(3) Violation of the provisions of the 2008 National Electrical Code (NEC) shall be subject to \$250.00 unless listed below:

(a) Working without a Certificate of Competency	\$500.00
(b) Interference with Electrical Official.	\$100.00
(c) Signage on all vehicles used by contractor.	\$100.00

(J) Regulation of Master Electricians.

(1) Every electrical contractor, including joint ventures, must have continuously in his/her employ a master electrician with a valid certificate of competency. All joint venture contractors shall submit proof of continuous employment of a certified master electrician as required by the electrical examining board. Whenever any master electrician leaves the employ of an electrical contractor it shall be the duty of such contractor to immediately notify the Board of Electrical Examiners.

(2) Every holder of a certificate of competency as a master electrician shall notify the board of examiners as to his/her place of employment or any change in employer

(3) In the event of death of the "active" master electrician of record employed by a contractor, the contractor shall be permitted to continue operations on previously permitted projects; not to exceed one hundred eighty (180) days. At the end of this period, the contractor will be required to employ exclusively a new holder of an "active" master's certificate.

(4) No master electrician shall allow his/her name to be used by any other person, firm or corporation for the purpose of obtaining a permit to do electrical work or for the purpose of doing electrical work under the master electrician's license.

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(K) Regulation of Maintenance Electricians.

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All maintenance electricians shall register with the electrical official and identify the name and address of his/her employer and any change in employer.

(L) Regulation of Journeyman Electricians.

(1) It shall be unlawful for any journeyman to do any electrical work, unless he/she is doing such work under the direct supervision of a holder of a certificate of competency as a master electrician.

(2) It shall be unlawful for a journeyman to allow any person employed as a helper, apprentice, or trainee to do any electrical work, except under the direct supervision of a master or journeyman.

(3) A minimum of one (1) journeyman must be present on each construction site. Additional journeymen shall be required at the discretion of the electrical official.

(M) Regulation of Low Voltage Contractors.

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(1) All installations of low voltage systems (i.e., sound, radio and television receiving equipment, burglar alarm systems, telephone fire alarm systems and audio systems) shall comply with the standards of safety as approved and amended by a nationally recognized testing laboratory, the provisions of which are incorporated herein and made a part hereof by reference.

(2) Low Voltage Contractors must be licensed by the Alabama Electronics Security Board and must be issued a limited certificate of competency by the City.

Work performed under the certificate shall be limited to the specific installation specified on the certificate.

(3) Low Voltage Contractors shall not be authorized to connect low voltage systems to a structure's light, power or electrical heating systems.

(N) Construction Board of Appeals.

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.

(O) Unsafe Buildings and Equipment.

All unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the International Property Maintenance Code and applicable ordinances.

SECTION NINE: ARTICLE 100 OF THE 2008 NATIONAL ELECTRICAL CODE TO BE AMENDED AS FOLLOWS:

AMEND ARTICLE 100 AS FOLLOWS:

Amend "**ARTICLE 100, Paragraph I. General.**" by adding "the following definitions" to read as follows:

Certificate of Competency. Shall mean the certificate issued by the Board of Electrical Examiners which shall qualify the holder to perform the designated electrical services within the jurisdiction of this code.

Code Official. The officer or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

Department. Shall mean the Urban Development Department of the City of Mobile.

Electrician. A person who is engaged in the trade or business of electrical construction and who is qualified under the terms and provisions of this code with the required certificate of competency.

Electrical Code. Shall mean the National Electrical Code adopted herein as well as the additional code sections in Chapter 19 of the City of Mobile Code.

Electrical Contractor. Shall mean a person, firm, or corporation engaged in the business of electrical contracting. An electrical contractor must be under the direction of a "master electrician."

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Electrical Fence. Shall mean a barrier that uses electrical shocks to deter animals or people from crossing a boundary.

Electrical Official. Shall mean the Chief Electrical Inspector in the Department of Urban Development of the City of Mobile. If the electrical official authorizes a designee to enforce provisions of this code, the actions of the authorized designee shall have the same full force and effect as those of the electrical official.

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

Helper and Apprentice. A person who is employed to assist in electrical installations and is not recognized as a qualified Journeyman or Master Electrician.

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..

Journeyman Electrician. Shall mean a person who possesses the necessary qualifications, training and technical knowledge to install electrical wiring, apparatus, or equipment for light, heat or power, and who is qualified under the terms and provisions of this code, and who shall be capable of doing electrical work according to the plans and specifications furnished, and in accordance with the standard rules and regulations governing wiring installations in the city.

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Low Voltage Contractor. Shall mean a person licensed by the Alabama Electronics Security Board to perform electrical work of 50 volts or less for installations of sound, radio and television receiving equipment, smoke, fire, burglary and other security alarm and recordation systems, banking, photographic, merchandising, dispensing, cleaning, and other electrical and electronic systems, provided these systems are not attached to the electrical wiring system of the building or structure. A Low Voltage Contractor is eligible for a limited certificate of competency issued by the Board.

Master Electrician. A person who possesses the necessary qualifications, training and technical knowledge to plan, lay out, and supervise the installation of electrical wiring, apparatus or equipment for light, heat, or power, and who is qualified under the provisions of this code with the required certificate of competency.

Maintenance Electrician. Shall mean a person who is employed to maintain existing branch circuits, fixtures, apparatus or equipment connected thereto, within the premises or building

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owned, occupied, or controlled by his or her employer. Work shall not include the installation or replacement of service conductors, equipment, or any feeder to any center or centers of service distribution.

Qualified Person. Any person qualified under the terms and provisions of this code to perform electrical work, including any home owner who desires to perform electrical work on his/her premises in accordance with the terms and provisions of this code.

Regular Licensing Period. Shall date from January 1 to March 30 each year and is the period during which licenses under this code chapter may be acquired.

Repairs. Shall mean repairs to or replacement of wiring devices, ballasts, securing conduits, and cables, re-splicing, re-insulating, guarding, etc. Replacement of conduits, feeders, and branch circuit conductors and the relocation of receptacles, switches, and outlets shall be considered as new installations, not repairs.

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Service Repairs. Shall mean repairs to service and meter equipment, electrode grounding, and to the wiring system on the line-side of service connects or disconnects.

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Amend “ARTICLE 110, Requirements For Electrical Installations.” to read as follows:

Add Article 110.8 (A) as follows: When rewiring, renovating, or upgrading a wiring system, it shall be the responsibility of the electrical contractor to remove all obsolete and abandoned equipment, wiring, and conduits, when practical.

Add Article 110.26(F) (1) (e) as follows: All sprinkler heads installed in electrical equipment rooms must be shielded to prevent water from entering the electrical panel.

SECTION TEN: ARTICLE 200 OF THE 2008 NATIONAL ELECTRICAL CODE TO BE AMENDED AS FOLLOWS:

AMEND ARTICLE 200 AS FOLLOWS:

Add Article 210.19 (A) (3) (a)

The branch circuit conductors of a range or combination cook top and oven circuit shall be sized according to manufacturer instructions or shall not be smaller than AWC#6, copper or equivalent.

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Add Article 230.28 (A) as follows: If a service mast is used for the attachment and support of service drop conductors, it shall consist of rigid steel conduit or equivalent, not less than two (2) inches (trade size) in diameter.

Add Article 230.70 (A) (1) (a) as follows: Except as hereinafter specified, every building or structure in which electricity is used for light, heat or power, shall have the main service disconnect or disconnects located as nearly as practicable to an outside service entrance. This location shall be accessible to police, fire fighter, and all occupants of such building or structure.

Add Article 250.112 (N) as follows: Separate grounding conductors shall be used for all flexible conduits enclosing branch circuit conductors of electrical appliances and equipment.

SECTION ELEVEN: ARTICLE 300 OF THE 2008 NATIONAL ELECTRICAL CODE TO BE AMENDED AS FOLLOWS:

AMEND ARTICLE 300 AS FOLLOWS:

Add Article 314.27 (F) as follows: A fan-rated ceiling outlet shall be provided in all bedrooms of new single family and multi-family dwellings.

Add Article 352.10 (I) as follows: All metallic conduits, installed in ground floor slabs, underground and on top of floors in damp and wet locations must be (PVC) non metallic rigid conduit or galvanized (or equal) rigid steel construction.

SECTION TWELVE: ARTICLE 500 OF THE 2008 NATIONAL ELECTRICAL CODE TO BE AMENDED AS FOLLOWS:

AMEND ARTICLE 500 AS FOLLOWS:

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Add Article 590 (K) as follows: Temporary services shall be adequate for any load that may be connected and properly identified.

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:

City Clerk

Date

**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 _____, 2010, 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 be 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 inspections, 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 ½' 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 Code 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:

City Clerk

Date

**AN ORDINANCE TO ADOPT A PLUMBING 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 Plumbing 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 _____, 2010, is hereby adopted as the “Plumbing 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 Plumbing 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 Plumbing 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. 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 be 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 inspections, 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 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 Building 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.

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 The 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.

106.7.1

SECTION SIX: Criteria for Owner to Obtain Permits.

106.9 Homeowner's personally doing plumbing work on the residence that they occupy, may obtain plumbing permits for their residence if they are deemed competent by a plumbing official. All applicants must complete and sign an affidavit stating ownership and responsibility for all plumbing 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 section 106.7. All other properties will be considered as commercial and subject to Section Four.

SECTION SEVEN: Vehicular Signs. All trucks and similar vehicles used by plumbing contractors shall have signs on both sides of the 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 indicating the firms name must be at least 1 ½' high.

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

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

101.2 Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction.

Add 101.2.1 Appendices

101.2.1 Appendices. The following appendices shall be adopted.

- B – Rates of rainfall for various cities.**
- C – Gray water recycling systems.**
- D – Degree day and design temperatures.**
- E – Sizing of water piping system.**

Amend Section 102 Applicability to read as follows:

102.6 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings, including those listed 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 regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

102.7 Moved buildings. Plumbing systems that are part of buildings or structures moved into, or moved within, the jurisdiction shall comply with the provisions of this code for new installations.

Amend Section 106 Permits to read as follows:

106.4 By whom application is made. Application for a permit shall be made by the person or agent to install all or part of any plumbing system. The applicant shall meet all qualifications established by statute, or by rules promulgated, by this code, or by ordinance, or by resolution. The full name and address of the applicant shall be stated in the application. An Alabama Master Plumbing License and Business License shall be required, except for home -owners personally doing work on the residence they occupy. All others must be duly registered, licensed plumbers with the City of Mobile.

106.4.1 For the Purposes of Water Heater Installations Only. A state certified Master gas fitter may purchase the permit for water heater installation. Said Master gas fitter must adhere to the same qualifications as plumbers.

106.5 Permit issuance. The application, construction documents and other data filed by an applicant for permit shall be reviewed by the Code Official or his designated representative. If the proposed work conforms to the requirements of this code and all laws and ordinances applicable there to, the application has been signed by a licensed master plumber, the street address of the location is included, and applicable fees have been paid, a permit shall be issued to the applicant. If the application does not conform to the requirements a permit shall not be issued, and the application with reason for refusal shall be returned to the applicant. The Code Official may also refuse to issue permits to any individual who has failed to arrange for necessary inspections, as required by the code, on previous permits.

106.6.2 Fee Schedule. On all plumbing installations requiring a plumbing permit, a fee for each plumbing permit shall be paid as required at the time of filing the application, in accordance with the fee schedule adopted by separate ordinance.

Amend Section 107 as follows:

Add to 107.1 Required inspections and testing the following:

4. Building sewer inspection shall be made after piping is installed, and before any back fill is put in place.
5. Water service inspection shall be made after piping, valves, and back flow preventors are installed, and before any back fill is put in place.

Amend Section 108 as follows:

Change Section 108.4 Violation to read as follows:

108.4 Violation penalties. (a) 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 plumbing work in violation of the approved construction documents or directive of the Plumbing 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.

(b) Violation of the provisions of the 2009 International Plumbing Code (IPC) shall be subject to \$250.00 unless otherwise listed below:

- | | |
|--|----------|
| 1. Working without proper license and certifications | \$500.00 |
| 2. Signage on all vehicles used by contractor | \$100.00 |
| 3. Interference with the Code Official | \$100.00 |

Change Section 108.5 Stop work orders as follows:

108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable of a violation penalty in accordance with Section 108.4.

Amend section 109 as follows:

Delete articles 109.1 through 109.7.

Add new article as follows:

1. **109.1 Construction Board of Appeals.** 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 NINE: Chapter 2 of the 2009 International Plumbing Code shall be amended as follows:

Change Section 202 General Definitions to read as follows: (all other definitions to remain as written)

FLOOD HAZARD AREA. The area designated 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.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A system for disposal of domestic sewage by means of a septic tank, cesspool or mechanical treatment, designed for utilization apart from a public sewer to serve a single establishment or building. **NOTE:** this system will be allowed only if public sewer is not available.

MAIN VENT. The principle vent for a plumbing system extending full sized from the building drain, through the roof.

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the bacteriological and chemical quality requirements of the Alabama Department of Environmental Management (ADEM) drinking water standards. (A.D.E.M.-Admin code R335-7).

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

Amend Chapter 2 – Sewer Definitions to read as follows:

Sanitary Sewer. Beginning three feet from the building, a pipe that carries sewage and excludes storm, surface and ground water.

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

Amend Section 305 Protection of pipes and plumbing system components to read as follows:

305.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of schedule 40 and have a minimum of 12 inches (305mm) cover at the point of grease trap or septic tank connection. Building sewers, less than schedule 40, or rated drain waste and vent only, that connect to public sewage systems shall have a minimum of 18" inches (458mm) cover, and shall not be placed under driveways or parking lots.

Change section 311 Toilet facilities for workers:

310.5.1 Urinal partitions. Partitions shall be made of a smooth and nonporous material.

311.1 General. Toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction worker toilet facilities of the nonsewer type shall conform to ANSI Z4.3 All nonsewer or “portable” facilities shall be removed from the site within seven working days of completion of construction.

Change Section 312 Tests and inspections to read as follows:

312.2 Drainage and vent water test. A water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to a point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest openings of the section under test, and each section shall be filled with water, but no section shall be tested with less than 5 foot (1524mm) head of water. In testing successive sections, at least the upper 5 feet (1524mm) of the next preceding section shall be tested so that no joint or pipe in the building, except the uppermost 5 feet (1524mm) of the system shall have been submitted to a test of less than a 5 foot (1524mm) head of water. The water shall be kept in the system, or in the portion under test, for at least 15 minutes before inspection starts. The system shall then be tight at all points.

312.6 Gravity sewer test. Gravity sewer tests shall consist of plugging the end of the building sewer at the point of connection with the public sewer, filling the building sewer with water, testing with not less than a 5 foot (1524mm) head of water and maintaining such pressure for 15 minutes.

Delete Section 312.8 Storm drainage system test, in its entirety.

Section 312.9 Shower liner test. This section will be used for reference only.

Delete Section 312.10 Inspection and testing of back flow prevention assemblies, in its entirety.

Delete Section 313 Equipment efficiencies, in its entirety.

Delete Section 314 in its entirety.

Add Section 314 Condensation disposal, to read as follows:

314.2.1 Condensation disposal. Condensation from all cooling coils and evaporators shall be conveyed from the drip pan outlet to an approved place of disposal. Condensate shall not discharge into a street or alley or ditch, onto the surface of the ground, or other area so as to cause a nuisance, nor into a private sewage disposal system.

SECTION ELEVEN: Chapter 4 of the 2009 International Plumbing Code shall be amended as follows:

Add to Section 401 General:

401.2.1 Condemned equipment. All plumbing equipment condemned by the Code Official because of wear, damage, defects or sanitary hazards shall not be reused.

401.2.2 Abandoned equipment. All septic tanks and cesspools shall be pumped and filled, by the permit holder, when connecting to an existing public sewer system.

401.4 Prohibited location. No floor drain or other plumbing fixture shall be installed in a room containing air handling machinery when such room is used as a plenum. When rooms are used as a plenum, equipment drains shall be conveyed through an indirect waste receptor located outside such rooms or other approved point of disposal.

401.4.1 Floor drains directly connected to the plumbing system shall not be located in elevator pits.

Change Section 403 Minimum plumbing facilities to read as follows:

Add to Section 403.6 Public facilities:

403.6.3 Prohibited location. In restaurants, nightclubs, and other food establishments, public facilities shall not be located in employee only designated areas. Public facilities shall be accessible by customers, patrons, and visitors without going behind counters/bars, or through food preparation areas.

Change Section 406 Automatic clothes washers to read as follows:

406.2 Water connection. Delete.

406.3 Waste connection. The waste from an automatic clothes washer shall discharge through an air-break into a stand pipe in accordance with Section 802.4.

Add to chapter 406

406.4 Washing machine stand pipe. Stand pipe shall not terminate less than 34 inches above finished floor.

Add to chapter 407

407.5 Roman/Garden tub enclosure. All valves in roman/garden tub enclosures shall be accessible.

Change Section 409 Dishwashing machines to read as follows:

409.2 Water connection. The water supply to a commercial dishwashing machine shall be protected against back flow by an air gap or back flow preventer in accordance with Section 608.

Revise Section 410 Drinking fountains to read as follows:

410.1 Approval. Drinking fountains shall conform to ASME A112.19.1, ASME A112.19.2, or ASME A112.19.9, and water coolers shall conform to ARI 1010. Where water is served in restaurants free of charge, drinking fountains shall not be required. In other occupancies, where

drinking fountains are required, bottled water dispensers, shall be permitted to be substituted for not more than 50 percent of the required drinking fountains.

Amend SECTION 412 FLOOR DRAINS to read as follows:

412.3.1 Floor drains in residential occupancies shall have a minimum of 2-inch diameter (51mm) drain outlet.

412.3.2 Floor drains in commercial occupancies shall have a minimum of 3-inch diameter (76 mm) drain outlet.

Add 412.5 Restrooms. In restrooms with urinals, other than residential, floor drains shall be provided. Installation shall be in accordance with chapters 412.1, 412.2, and 412.3, and floors shall be sloped to the drain.

Change 417.3 SHOWER OUTLET WASTE. To read as follows:

417.3 Shower waste outlet. Waste outlets serving showers shall be at least 2 inches in diameter and for other than waste outlets in bathtubs, shall have removable strainers be not less than 3 inches in diameter with strainer openings not less than 0.25 inches in minimum dimension. Where each shower space is not provided with an individual waste outlet, the waste outlet shall be located and the floor pitched so that waste from one shower does not flow over the floor area serving another shower. Waste outlets shall be fastened to the waste pipe in an approved manner.

Change Section 419 Urinals to read as follows:

Add 419.4 Additional requirements. See Section 412 for additional requirements involved with use of urinals.

Change Section 426 Manual food and beverage dispensing equipment to read as follows:

Add 426.2 Waste drains. Waste drains for manual food and beverage dispensing equipment shall discharge to the grease trap.

SECTION TWELVE: Chapter 5 of the 2009 International Plumbing Code shall be amended as follows:

Change SECTION 501 GENERAL to read as follows:

501.4 Location. Water heaters and storage tanks shall be located and connected so as to provide ready access for observation, maintenance, servicing and replacement. All water heaters located in attics or any overhead locations shall be accessible by a permanent fixed staircase

Change SECTION 502 INSTALLATION to read as follows:

502.1 General. Water heaters shall be installed in accordance with the manufacturer's installation instructions. Oil-fired water heaters shall conform to the requirements of this code and the *2009 International Mechanical Code*. Electric water heaters shall conform to the requirements of this code and provisions of the *2008 NEC* listed in Chapter 13. For reference

only, gas fired water heaters shall conform to the requirements of the *2009 International Fuel Gas Code*.

502.3 Water heaters installed in attics. Attics containing a water heater shall be provided with a readily accessible opening and unobstructed passageway large enough to allow removal of the water heater. The opening shall be accessed by a permanently fixed staircase. The passage way shall not be less than 30 inches (762mm) high and 28 inches (559mm) wide and not more than 20' feet (6096mm) in length when measured along the center line of the passage way from the opening to the water heater. The passage way shall have continuous solid flooring not less than 24 inches (610mm) wide. A level service space at least 30 inches (762mm) deep and 30 inches (762mm) wide shall be present at the front or service side of the water heater. The clear access opening shall be of sufficient dimensions to allow removal and replacement of the water heater, but in no case less than 20 inches by 30 inches (508mm by 762mm).

Add 502.6 Prohibited locations. Gas-fired water heaters shall not be installed in a sleeping room, bathroom or a closet accessed through a sleeping room or bathroom.

Add 502.7 Water heaters installed in restaurants, bars, lounges, etc. In establishments with food permits, water heaters shall be caulked to the floor or raised a minimum of 6 inches (152mm) above the floor.

Change Section 503 Connections to read as follows:

Add 503.3 Non-metallic pipe as follows:

503.3 Non-metallic pipe. Non-metallic pipe shall not be installed within 6" inches (152mm) of the inlet, outlet, or vent of a water heater.

Change Section 504.3 Shutdown as follows:

504.3 Shutdown. A means of disconnecting an electric hot water supply system from its power supply shall be provided in accordance with the *2008 NEC* A separate valve shall be provided to shut off the fuel supply to all other types of hot water supply systems. Required electrical disconnect and fuel shut off shall be located within 5 feet (1524mm) of the water heater with identifying label.

Change Section 504.6 Requirements for Discharge piping as follows:

504.6.5 To a waste receptor or to the outdoors only.

504.6.14 The relief valve shall discharge full size to a safe place of disposal outside the building or to an indirect waste receptor. Relief valve shall not discharge into a private sewage disposal system. The discharge pipe for the relief valve shall not have any trapped sections and shall have a visible air gap or air gap fitting located at termination. The discharge shall be installed in a manner that does not cause personal injury to occupants in the immediate area or structural damage to the building.

504.7 Required pan. Where water heaters or hot water storage tanks are installed in locations where leakage of the tanks or connections will cause damage, the tank or water heater shall be installed in a galvanized steel pan having a thickness of 24 gage, or other AGA approved pans.

504.7.1 Pan size and drain. The pan shall not be less than 1.5 inches (38mm) deep and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a minimum diameter of 1 inch (25.4mm). Pan drain shall not discharge into a private sewage disposal system.

Add new SECTION 506 MINIMUM CAPACITIES as follows;

506.1 Residential. Water heaters installed in residential occupancies shall be sized in accordance with TABLE 506.

506.2 Commercial. Water heaters installed in commercial occupancies shall be sized by an engineer; all food establishments shall have a 30-gallon minimum.

Table 506
Minimum Capacities for Water Heater¹

FUEL	ELECT			ELECT			ELEC			ELECT			
	GAS	OIL		GAS	OIL		GAS	T.	OIL	GAS	OIL		
NUMBER OF BEDROOMS	1			2			3						
1 to 1 ½ Baths	Storage(gph)	20	20	30	30	30	30	40	30				
	Input	27	2.5	70	36	3.5	70	36	4.5	70			
	Draw(gph)	43	30	89	60	44	89	60	58	89			
	Recovery(gph)	23	10	59	30	14	59	30	18	59			
NUMBER OF BEDROOMS	2			3			4			5			
2 to 2 ½ Baths	Storage(gph)	30	40	30	40	50	30	40	50	30	50	66	30
	Input	36	4.5	70	36	5.5	70	38	5.5	70	47	5.5	70
	Draw(gph)	60	58	89	70	72	89	72	72	89	90	88	89
	Recovery(gph)	30	18	59	30	22	59	32	22	59	40	22	59
NUMBER OF BEDROOMS	3			4			5			6			
3 to 3 ½ Baths	Storage(gph)	40	50	30	50	66	30	50	66	30	50	80	40
	Input	38	5.5	70	38	5.5	70	47	5.5	70	50	5.5	70
	Draw(gph)	72	72	89	82	88	89	90	88	89	92	102	99
	Recovery(gph)	32	22	59	32	22	59	40	22	59	42	22	59

1 gph = 1.05 mL/s

Note:

1. Storage capacity, input and the recovery requirements indicated in the table are typical and may vary with each individual manufacturer. Any combination of these requirements to produce the 1-hour draw stated shall be satisfactory. Recovery is based on 100°F (37.8°C) water temperature rise. The input rating is in units of one thousand BTUs per hour for gas and oil, and one thousand watts per hour for electric.

Example: For a 3-bedroom, 2 bath residence there are three choices as follows: A 40 gal storage/30gph recovery gas heater; a 50 gal storage/22gph recovery electric heater; or a 30 gal storage/59gph recovery oil heater; or an equivalent combination which will produce at least a 70 gph total draw.

SECTION THIRTEEN: Chapter 6 of the 2009 International Plumbing Code shall be amended as follows:

Add to CHAPTER 6 Water Supply and Distribution:

Change SECTION 603 WATER SERVICE to read as follows:

603.1 Size of water service pipe and fixtures. The water service pipe and fixtures shall be sized to supply water to the structure in the quantities and at the pressures required by this code. The minimum inside diameter of the water service shall be $\frac{3}{4}$ inch (19.1mm).

Add to SECTION 603 WATER SERVICE;

603.1.1 Fittings. All service lines with insert fittings having less than $\frac{3}{4}$ inch (19.1mm) inside diameter shall require a minimum of 1 inch (25.4mm) pipe to the first manifold or water heater.

603.2 Note The exception's listed (numbers 1, 2 and 3) do not apply to force main or pressurized sewers, a separate ditch is required.

603.2.1 Water service near sources of pollution. Potable water services pipes shall be separated from septic tanks, and septic tank disposal fields in accordance with Alabama Department of Public Health (ADPH) rules. See section 605.1 for soil and ground water conditions.

Change Section 604 DESIGN OF BUILDING WATER DISTRIBUTION SYSTEM; to read as follows:

604.1.1 Piping below slab. All piping below slab shall be seamless tubing.

604.3 Water distribution system design criteria. The water distribution system shall be designed, and pipe and fitting sizes shall be selected such that under conditions of peak demand, the capacities at the fixture supply pipe outlets shall not be less than shown in Table 604.3. The minimum flow rate and flow pressure provided to the fixtures and appliances not listed in table 604.3 shall be in accordance with manufacturer's installation instructions. All systems utilizing insert type fittings shall be limited to 1 fixture per 1/2 inch or less supply piping.

604.5 Size of fixture supply. The minimum size of a fixture supply pipe and fittings shall be as shown in Table 604.5. The fixture supply pipe shall not terminate more than 30 inches (762mm) from the point of connection to the fixture. A reduced size flexible water connector installed between the supply pipe and the fixture shall be of an approved type. The supply pipe shall extend to the floor or wall adjacent to the fixture. The minimum size of individual distribution lines and fittings utilized in parallel water distribution systems shall be as shown in Table 604.5.

Add to SECTION 604.9

604.9.1 Location of hammer arrestors. Water hammer arrestors shall be installed on both the inlet and outlet of the water heater where air hammer exists and where deemed necessary by the plumbing official.

Change Section 605 MATERIALS, JOINTS AND CONNECTIONS; to read as follows:

605.3 Water service pipe. Water service pipe shall conform to NSF61 and shall conform to one of the standards listed in Table 605.4. All water service pipe or tubing, installed under ground and outside of the structure, shall have a minimum working pressure of 200psi (1375kPa) at 73.4°F (23°C). Where the water pressure exceeds 200psi (1375kPa), piping material shall have a minimum rated working pressure equal to the highest available pressure. All ductile iron water pipe shall be cement mortar lined in accordance with AWWA C104.

Table 605.3 Water Service Pipe. Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe and galvanized steel.

Table 605.4 Water Distribution Pipes. Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe and galvanized steel pipe.

Table 605.5 Pipe fittings. Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe and galvanized steel pipe.

Delete Paragraph 605.17.2 in its entirety and replace with;

605.17.2 Mechanical joints. Mechanical joints shall be installed in accordance with the manufacturer’s instructions. Fittings for cross-linked polyethylene (PEX) plastic tubing as described in ASTM F 877, ASTM F 1807, ASTM F 1960 and ASTM F 2080 shall be installed in accordance with the manufacturer’s instructions.

Change Section 606 Installation of the building water distribution system to read as follows:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to all fixtures.
2. On the water supply pipe to each appliance or mechanical equipment.
Exception: Shutoff valves shall not be required for concealed valves.
3. Within one foot of a washing machine or pump.

606.3 Access to valves. Access shall be provided to all required full-open valves and shut off valves, with a minimum 6 inch (152mm) access.

Add to Section 608.17 Protection of potable water supply.

NOTE: This section is for reference only; water supplies are regulated by the Alabama Department of Environmental Management (ADEM).

Table 608.17.1
DISTANCE FROM SOURCES OF CONTAMINATION TO PRIVATE
WATER SUPPLIES AND PUMP SUCTION LINES

SOURCE OF CONTAMINATION	DISTANCE (feet)
Barnyard	100

Farm silo	25
Pasture	100
Pump house floor drain of cast iron draining to ground surface	2
Seepage pits	100
Septic tank	50
Sewer	10
Subsurface disposal fields	100
Subsurface pits	100

For SI: 1 foot = 304.8mm.

SECTION FOURTEEN: Chapter 7 of the 2003 International Plumbing Code shall be amended as follows:

Change Section 701 General to read as follows:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available. An approved private sewage disposal system in accordance with Alabama Department of Public Health rules shall be required where public sewer is not available.

Exception: At time of adoption of this code, existing private sewage systems shall be allowed to remain in use until failure or repairs are necessary. Then connection to public sewer shall be required if it is available.

Change Section 702 Materials to read as follows:

Table 702.1 Aboveground drainage and vent pipe. Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe.

Table 702.2 Underground building drainage and vent pipe. Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe.

Table 702.3 Building sewer pipe. Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe.

Table 702.4 Pipe fittings. Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe.

Change Section 706 Connections between drainage piping and fittings to read as follows:

706.3 Installation of fittings. Fittings shall be installed to guide sewage and waste in the direction of flow. Change in direction shall be made by fittings installed in accordance with Table 706.3. Change in direction by combination fittings, side inlets or increasers shall be installed in accordance with Table 706.3 based on pattern of flow created by the fitting. Double sanitary tee pattern of 2 inches (50.8mm) or less shall not receive discharge from fixtures or appliances with pumping action discharge.

Delete Section 706.4 in its entirety.

Change Section 708 Cleanouts.

708.3.2 Change to read; Building sewers shall be provided with cleanouts located not more than 80 feet apart measured from the upstream entrance of the cleanout. (The rest of chapter as written in code).

708.3.3 Change to read; Cleanouts shall be installed at each change of direction greater than 45 degrees (0.79 rad) in the building sewer.

708.3.5.1 Building sewer and property service lateral connection. There shall be a clean out located at sewer conjunction of service lateral and building sewer outside of right of way.

Change to Table 709.1 Drainage fixture units for fixtures and groups. Minimum trap size for all kitchen sinks shall be 2"inch.

Change Section 710 Drainage system sizing to read as follows:

Add Notes to Table 710.1 (1) as follows:

Note b The maximum number of water closets on a 3 inch (76.2mm) line shall be 3.

Note c No building sewer shall be less than 4 inch (101.6mm) diameter.

Note d Minimum size of building drain, in a commercial building, shall be a minimum of 4 inches (101.6mm).

Change Section 712 Sumps and ejectors to read as follows:

712.2 Full open valve required. Delete Exception.

712.3.2 Sump pit. The sump pit shall be not less than 18 inches (457mm) in diameter and 24 inches (610mm) deep, unless otherwise approved. The pit shall be accessible and located such that all drainage flows into the pit by gravity. The sump pit shall be constructed of tile, concrete, steel, plastic or other approved materials. The pit bottom shall be solid and provide permanent support for the pump. The sump pit shall be fitted with a gas-tight removable cover adequate to support anticipated loads in the area of use. The sump pit shall be vented in accordance with Chapter 9, Section 916.5.

Change Section 715 Backwater valves to read as follows:

Section 715 Sewage backflow.

715.1 Sewage backflow. Where a plumbing drainage system may be subject to a back-flow of sewage including, but not limited to the installation fixtures below the level of the nearest upstream manhole cover, suitable provisions shall be made by the contractor or property owner, ~~or the public sewer authority to prevent its overflow into the building~~ all on-premise (private

property) generated effluent from entering the building. For off-premise generated effluent (not private property) either the owner, contractor, or, if part of the public sewer system, the public sewer authority may be required to install overflow protection for the premises. Check valves or mechanical devices shall not be allowed in the sanitary sewer system.

SECTION FIFTEEN: Chapter 8 of the 2009 International Plumbing Code shall be amended as follows:

Change Section 802 Indirect wastes to read as follows:

802.1.1 Food handling. Equipment and fixtures for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap.

Exception: This requirement shall not apply to dishwashing machines, with built in air breaks.

802.1.2 Floor drains in food storage areas. Delete Exception.

Change Section 803 Special Wastes to read as follows;

803.4 Special Wastes for Swimming Pools. All pool waste, either backwash of filters or pool drainage, shall be taken to an approved pool waste receptor. This waste receptor may connect to city sewer, storm drain, or on-site irrigation. Pool waste shall not be placed on streets, on or across neighboring properties, or any place in the estimation of the Building Official where it is considered a nuisance. All discharged waste to irrigation or storm drain shall comply with ADEM rules and regulations.

SECTION SIXTEEN: Chapter 9 of the 2009 International Plumbing Code shall be amended as follows:

Change Section 903 Outdoor Vent Extensions; to read as follows;

903.1 Stack required. Every building in which plumbing is installed shall have at least one stack the size of which is not less than 3 inches (76mm) in diameter. Such stack shall run undiminished in size and as directly as possible from the building drain through to the open air or to a vent header that extends to the open air.

903.3 Vent termination. Every vent stack or stack vent shall extend outdoors and terminate to the air above the roof line.

Change Section 904 Vent terminals to read as follows:

904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 6 inches (152mm) above the roof; except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134mm) above the roof.

Change Section 906.1 Distance of trap from vent.

Delete Exception in its entirety.

Change Section 907 INDIVIDUAL VENT; to read as follows;

907.2 Where required. All fixtures discharging downstream from a water closet shall be individually vented except as provided in 907.3.

907.3 Battery venting. A branch or waste pipe of uniform diameter throughout its length, to which are connected in battery a number of fixtures not exceeding 50% of the fixture units allowed by column two of Table 710.1(2), may be vented by a circuit or loop vent system connected in front of the last upstream fixture drain. In addition, battery vented branches serving three or more fixtures shall be provided with a relief vent connected in front of the first fixture connection. When lavatories or similar fixtures having a fixture unit rating of four or less and a maximum 2" inch (51mm) fixture drain discharge from above such branches, each vertical branch shall be provided with a continuous vent. Fixtures having fixture unit ratings greater than four shall not discharge into such branch from above unless all fixtures in the battery group are individually vented. Fixtures from an upper floor shall not discharge into a battery vented branch.

Exception: The relief vent may be omitted provided a stack vent or vent stack is located down stream of the first horizontal fixture connection.

Change Section 912 Combination drain and vent system to read as follows:

912.2.2 Connection. The combination drain and vent pipe shall connect to a horizontal drain that is vented or a vent shall connect to the combination drain and vent. The vent connecting to the combination drain and vent pipe shall extend vertically a minimum of 6 inches (152mm) above the flood level rim of the highest fixture being vented before offsetting horizontally.

Add to SECTION 917 Air Admittance Valves; to read as follows:

917.1.1 Air admittance valves. Air admittance valves may be used only with prior approval of the plumbing official.

Delete Section 917.3 in its entirety.

917.7 Vent required. Within each plumbing system a minimum of two stack vents or vent stack shall extend outdoors to the open air. There shall be a minimum of one vent to the open air downstream of, and a minimum of one vent to the open air upstream of an air admittance valve.

917.8.1 Prohibited installations. Air admittance valves shall not be installed in commercial food preparation or storage areas.

SECTION SEVENTEEN: Chapter 10 of the 2009 International Plumbing Code shall be amended as follows:

Add to SECTION 1003 INTERCEPTORS AND SEPERATORS: to read as follows:

1003.3.4 Grease Interceptors. Grease interceptors shall conform to PDI G101.

1003.3.4.1 Grease Interceptor capacity. Grease interceptors shall have the grease retention capacity indicated in Table 1003.3.4.1 for flow-through rates indicated. The minimum requirement shall be a 200-pound interceptor, unless designed by a professional engineer.

Change Table 1003.3.4.1 to read: Table 1003.3.4.1 Capacity of Grease Interceptors.

1003.3.4.2 Rate of Flow Controls. Grease interceptor shall be equipped with devices to control the rate of water flow so that the water flow does not exceed the rated flow. The flow-control device shall be vented and terminate not less than 6 inches (152 mm) above the flood rim level or installed in accordance with the manufacturer’s instructions.

1003.3.5.1 Grease Interceptor Capacity. Grease trap (GT) size or grease interceptor (GI) capacity shall be determined by using the following formula and table:

Note: Multiply total gallons required by this formula x5 to achieve pounds of grease retention for passive interceptors.

$$D \times MF \times GL \times RT \times ST = \text{GT size (gallons)}$$

Note; add 25 seats for each drive through

CODE	EXPLANATION
D	Total number of seats
MF	Meal Factor, based on establishment type and average time per meal 1.33 Fast Food/Cafeteria (45 min) 1.00 Restaurant (60 min) 0.67 Leisure Dining (90 min) 0.50 Dinner Club (120 min)
GL	Gallons of wastewater per meal 6 With dishwashing machine 5 Without dishwashing machine 2 Single service kitchen 1 Food Waste Disposal
RT	Retention time 2.5 Commercial kitchen 1.5 Single service kitchen
ST	Storage factor, based on hours of operation 1.0 Operation of 8 hours 1.5 Operation of 12 hours 2.0 Operation of 16 hours 2.5 Operation of 24 hours 1.5 Single service kitchen

- Notes:** 1. Minimum grease interceptor size, if connected to a septic tank system shall be determined by the board of health on site division.
2. Minimum grease interceptor size, if connected to public sewer, shall be 1,000 gallons, unless designed by an engineer.
 3. The construction plans submitted with the permit application shall show the capacity of the grease interceptor and the above grease interceptor capacity formula with all formula code values identified.

1003.3.5.2 Baffling Requirements for unmarked (no astm#) Grease interceptors. All grease interceptors shall have a minimum of two (2) baffles. The nearest baffle from entry point of effluent shall allow flow under the baffle wall. The second baffle will allow flow over the top of baffle wall. Inlet tees shall have a drop pipe a min. of 12 inches long. Exit fittings (tees) shall have a drop pipe that extends to within 12 inches of bottom of tank. Suitable room for rodding must be allowed at top of each tee. All grease interceptors shall be accessible for pumping and cleaning with access covers at each end of trap.

1003.3.5.3 Grease Interceptor Installations. All grease interceptors shall be installed as per manufacturer's recommendations. This includes wall sizing for high traffic areas and location.

Add 1003.3.6 as follows:

Grease interceptor Sampling Port. A clean out shall be installed immediately downstream of the grease interceptor for the purpose of acquiring grease interceptor effluent samples.

1003.4 Oil separators required. At repair garages; gasoline stations with grease racks, grease pits or work racks; car washing facilities with engine or undercarriage cleaning capability; and at factories where oily and flammable liquid wastes are produced, separators shall be installed into which all oil-bearing, grease bearing, or flammable wastes shall be discharged before emptying in the building drainage system or other point of disposal.

Chapter 11 Storm Drainage. Adopted for reference purposes only; Refer to the storm drain ordinance established by the City of Mobile Engineering department.

Section Eighteen: Separation Clause

SEPARATION CLAUSE

If any section, subsection, 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:

City Clerk

**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 _____, 2010, 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:

City Clerk

AN ORDINANCE TO ADOPT A PROPERTY MAINTENANCE 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 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 _____ 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.
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.

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 phase thereof, irrespective of the fact that any one or more sections, subsections, sentences or phrases be declared unconstitutional.

ADOPTED:

City Clerk

Date

**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 _____, 2010, 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 his 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

SECTION R313 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:

|

| City Clerk

**AN ORDINANCE TO ADOPT A MECHANICAL 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 Mechanical 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 _____, 2010, is hereby adopted as the “Mechanical 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 Mechanical 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 Mechanical 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.

Mechanical 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 a heating, ventilation, air conditioning (HVAC), or refrigeration system shall furnish proof that they are licensed, registered and hold an active certification with the Alabama State Board of Heating, Air Conditioning and Refrigeration Contractors in accordance with all the statutory requirements of the State of Alabama and the City of Mobile.

Contractor License. It shall be the duty of every contractor who shall make contracts for the installation of mechanical systems for which a permit is required, and every contractor making such contracts and sub-letting the same, or any part thereof, to pay a license tax as provided in the general license ordinance, and to register his/her name in a book provided for that purpose, with the 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 the 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. For the purpose of this code, an owner physically doing the work themselves may be issued a permit upon the Code Official's satisfaction that the owner is competent to perform the work for which the permit is requested and completion of a Mechanical 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 as set forth herein.

SECTION SEVEN: Vehicular Signs. All trucks and similar vehicles used by mechanical contractors shall have signs on both sides of the 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 identifying the firms name must be at least 1 1/2 inches high.

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

Amend SECTION 101 GENERAL as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Mobile, Alabama, hereinafter referred to as "this code."

101.2 Scope. This code shall regulate the design, installation, maintenance, *alteration* and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, *equipment* and appliances specifically addressed herein.

Amend SECTION 102 APPLICABILITY as follows:

Amend SECTION 102 as follows: Add 102.12 as follows

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

Amend SECTION 106 PERMITS as follows:

106.5 Fee Schedule. On all mechanical installations requiring a mechanical permit, a fee for each mechanical permit shall be paid as required at the time of application, in accordance to the fee schedule adopted by separate ordinance.

Amend SECTION 108 VIOLATIONS as follows:

108.4 Violation penalties.

- a) Persons 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 mechanical 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 prosecuted 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.

- b) Violation of the provisions of the 2009 International Mechanical Code (IMC) shall be subject to \$250.00 unless otherwise listed below:
 - 1. Working without proper license and certifications \$500.00
 - 2. Signage on all vehicles used by contractor \$100.00
 - 3. Interference with a Code Official \$100.00

Amend SECTION 109 MEANS OF APPEAL as follows:

Delete articles 109.1 through 109.7.

Add new article as follows:

109.1 BOARD OF APPEALS. 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 NINE: Chapter 2 of the 2009 International Mechanical Code shall be amended to read as follows:

SECTION 202 GENERAL DEFINITIONS. Add the following:

FLOOD HAZARD AREA. The area designated 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 Mechanical Code shall be amended to read as follows:

Amend SECTION 301 GENERAL as follows:

Delete 301.3 Fuel gas appliances and equipment.-in its entirety.

Amend SECTION 306 ACCESS AND SERVICE SPACE as follows:

306.3 Appliances in attics.

Exceptions:

2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 28 inches (711 mm) wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.

306.4 Appliances under floors.

Exceptions:

2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 28 inches (711 mm) wide for its entire length, the passageway shall not be limited in length.

Amend SECTION 307 CONDENSATE DISPOSAL as follows:

Add:

307.2.2.1 Condensate Drain Line Insulation. Condensate drain lines shall be insulated to a 3/8" minimum thickness for the first six feet.

307.2.3 Auxiliary and secondary drain systems. In addition to the requirements of Section 307.2.1, where damage to any building components could occur as a result of overflow from the *equipment* primary condensate removal system, one of the following auxiliary protection methods shall be provided for each cooling coil or fuel-fired *appliance* that produces condensate:

1. An auxiliary drain pan with a separate drain shall be provided under the coils on which condensation will occur. The auxiliary pan drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The pan shall have a minimum depth of 1 1/2 inches (38 mm), shall not be less than 3 inches (76 mm) larger than the unit or the coil dimensions in width and length and shall be constructed of corrosion-resistant material.

Galvanized sheet steel pans shall have a minimum thickness of not less than 0.0236 inch (0.6010 mm) (No. 24 gage). Nonmetallic pans shall have a minimum thickness of not less than 0.0625 inch (1.6 mm).

Exception: Fuel-fired appliances that automatically shut down operation in the event of a stoppage in the condensate drainage system.

SECTION ELEVEN: Chapter 5 of the 2009 International Mechanical Code shall be amended to read as follows:

Amend SECTION 501 GENERAL as follows:

501.2 Exhaust Discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a nuisance and not less than the distances specified in Section 501.2.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic or crawl space

EXCEPTIONS:

- ~~1. Whole house ventilation type attic fans that discharge into the attic space of *dwelling units* having private attics shall not be prohibited. Restroom exhaust fans may be permitted to discharge into attic space of residences having private attics.~~
- ~~2.~~ 1. Commercial cooking recirculating systems.

Amend SECTION 504 CLOTHES DRYER EXHAUST as follows:

504.1 Installation. Clothes dryers shall be exhausted in accordance with the manufacturer's instructions. Dryer exhaust systems shall be independent of all other systems and shall convey the moisture and any products of *combustion* to the outside of the building.

Delete the Exception in its entirety.

Delete 504.6.4.2 Manufacturer's instructions in its entirety.

SECTION TWELVE: Chapter 6 of the 2009 International Mechanical Code shall be amended to read as follows:

Amend SECTION 603 DUCT CONSTRUCTION AND INSTALLATION as follows:

603.5.1 Gypsum ducts. The use of gypsum boards to form air shafts (ducts) shall be limited to return air systems where the air temperatures do not exceed 125EF (52EC) and the gypsum board surface temperature is maintained above the air stream dew-point temperature. Air ducts formed by

gypsum boards shall not be incorporated in air-handling systems utilizing evaporative coolers. Gypsum ducts must be sealed to prevent air leakage.

SECTION THIRTEEN: Chapter 7 of the 2009 International Mechanical Code shall be amended to read as follows:

Amend SECTION 701 COMBUSTION AIR as follows:

701.1 Scope. Solid fuel-burning *appliances* shall be provided with *combustion air* in accordance with the appliance manufacturer's installation instructions. Oil-fired *appliances* shall be provided with *combustion air* in accordance with NFPA 31. The methods of providing *combustion air* in this chapter do not apply to fireplaces, fireplace stoves and direct-vent appliances. The requirements for combustion and dilution air for gas-fired appliances shall be in accordance with the appliance manufacturer's installation instructions.

SECTION FOURTEEN: Chapter 8 of the 2009 International Mechanical Code shall be amended to read as follows:

Amend SECTION 801 GENERAL as follows:

801.1 Scope. This chapter shall govern the installation, maintenance, repair and approval of factory-built *chimneys*, chimney liners, vents and connectors. This chapter shall also govern the utilization of masonry chimneys. Gas-fired *appliances* shall be vented in accordance with the appliance manufacturer's installation instructions.

SECTION FIFTEEN: Chapter 9 of the 2009 International Mechanical Code shall be amended to read as follows:

Amend SECTION 901 GENERAL as follows:

901.1 Scope. This chapter shall govern the approval, design, installation, construction, maintenance, *alteration* and repair of the appliances and *equipment* specifically identified herein and factory-built fireplaces. The approval, design, installation, construction, maintenance, *alteration* and repair of gas-fired appliances shall be regulated by this code.

Amend SECTION 906 FACTORY-BUILT BARBECUE APPLIANCES as follows:

906.1 General. Factory-built barbecue appliances shall be of an *approved* type and shall be installed in accordance with the manufacturer's installation instructions and this chapter.

SECTION SIXTEEN: 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:

City Clerk