

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: That, pursuant to Alabama Code Section 11-44-8 (1975), the 2000 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 May 15, 2001, is hereby adopted as "The Building Code of the City of Mobile."

SECTION TWO: 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 2000 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: The said 2000 International Building Code shall be in full force and effect on and after the 12th day of June, 2001, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

SECTION FOUR: Chapter 1 of the 2000 International Building Code shall be amended as follows:

Amend Section 101 as follows:

101.1 Title. 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. The provisions of the 2000 International Building Code 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.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the 2000 International Residential Code.

101.2.1 Appendices.

The following appendices shall be adopted:

- A – Employee Qualifications
- C – Group U – Archicultural Buildings
- E – Supplementary Accessibility Requirements
- F – Rodent Proofing
- I – Patio Covers
- G – Flood Resistant Construction (under separate ordinance)
- J – Supplementary Accessibility Requirements for Qualified Historic Building and Facilities

The following appendices shall not be adopted:

- B – Board of Appeals
- D – Fire Districts

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Electrical. The provisions of the 1999 NEC National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Each and every reference to the ICC Electrical Code shall be construed to mean the 1999 NEC National Electrical Code.

101.4.2 Gas. ~~The provisions of the 2000 International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.~~ Each and every reference to “Gas” shall be deleted.

101.4.3 Mechanical. The provisions of the 2000 International Mechanical Code 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.

101.4.4 Plumbing. The provisions of the 2000 International Plumbing Code shall apply to the installation, alterations, repairs 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.

101.4.5 Property maintenance. The provisions of the 2000 International Property Maintenance Code 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.

101.4.6 Fire prevention. The provisions of the 2000 International Fire Code 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.

Delete 101.4.7 – Energy in its entirety

~~101.4.7 The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.~~

Amend Section 105 as follows:

Delete 105.1.1 in its entirety

~~105.1.1 — Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the Building Official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.~~

Delete 105.1.2 in its entirety

~~105.1.2 — Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Official shall have access to such records at all times or such records shall be filed with the Building Official as designated.~~

Amended 105.2 as follows:

105.2 Work exempt from permit. Exemptions from 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. Permits shall not be required for the following:

Building:

1. ~~One-story detached accessory structures used as tool and storage sheds~~ Playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15m²).
2. Oil derricks.
3. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ration of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
6. ~~Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~
8. Temporary motion picture, television and theater stage sets and scenery.
9. ~~Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground.~~
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to one- and two-family dwellings.
12. Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply, the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance;
2. Portable ventilation equipment;
3. Portable cooling unit;
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code;
5. Replacement of any part which does not alter its approval or make it unsafe;
6. Portable evaporative cooler;
7. Self-contained refrigeration system containing 10 pound (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspections made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.1.2 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.

Delete 105.2.2 in its entirety:

~~**105.2.2 Repairs.** Application or notice to the Building Official is not required for ordinary repairs to structures. Replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the~~

~~removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.~~

Amend 105.3 to read as follows:

105.3 Application for permit. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the Urban Development Department 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 and other information as required in Section 106.3.
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 Building Official.
8. Applicant must provide proper identification to verify ownership of property.

Add 105.8 as follows:

105.8 Contractors' Responsibilities. It shall be the duty of every contractor who shall make contracts for the installation or repair of buildings for which a permit is required, and every contractor or builder 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 with the Building Official, in a book provided for that purpose, 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; and it shall be the further duty of every such person to give good and sufficient bond in the amount of \$10,000, provided by a surety company qualified to do business in the State of Alabama, from an agent thereof with office in the City of Mobile, approved by the Department of Law, and conditioned to conform to the building regulations, the regulation of this section, and other ordinances or laws of the applicable governing body.

Add 105.9 as follows:

105.9 Vehicular Signs. All trucks and similar vehicles used by contractors and sub-contractors shall have signs on the both sides of the body of said vehicle indicating the full name and address of the firm to which it belongs. Lettering may be any color in contrast to the color of the body, but letters of the firm's name must be at least 1-1/2 inches high. The firm's City of Mobile Business License number shall also be prominently displayed with the firm's name.

Amend Section 106 as follows:

Amend 106.1 to read as follows:

106.1 Submittal documents. When plans are required by the Building Official, three or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with this Code and each other Code adopted for the purposes of supplementing this Code, e.g., electrical, plumbing, mechanical. Such information shall be specific, and the Codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. The Building Official may require details, computations, stress diagrams, and other data necessary to describe the installation and basis of calculations and they shall bear the signature of the person responsible for the design. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. **NOTE: Each and every reference in this code to the "registered design professional" shall be construed to mean "registered architect or engineer properly licensed in the State of Alabama."**

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

Add 106.1.1.2 as follows:

106.1.1.2 Design Professional. All drawings, specifications, and accompanying data shall bear the name and address of the registered design professional. The registered design professional shall be only an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his/her official seal to said drawings, specifications and accompanying data except and unless the plans and specifications are for the erection, enlargement or alteration of any building upon any farm for the use of any farmer, irrespective of the cost of such building, or any single family residence building or any utility works, structures or building (provided that the person performing such architectural work is employed by an electric, gas or telephone public utility regulated pursuant to the laws of Alabama or by a corporation affiliated with such utility), or of any other type building(s) which has a total area of less than 2,500 square feet and is not intended for

assembly occupancy for more than 100 people, except schools, churches, auditoriums or other buildings intended for the assemblage of people.

The services of a registered architect or registered engineer shall be required on all buildings except those herein above 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. The registered architect or registered engineer shall provide the Building Official a letter of supervision on each project.

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.

Amend 106.5 to read as follows:

106.5 Retention of construction documents. One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

Add 106.5.1 as follows:

106.5.1 Plans. When the Building Official issues a permit, he/she shall endorse, in writing or by stamp, two sets of plans “Reviewed for Code Compliance.” One set of drawings so reviewed shall be retained by the Building Official and the other set shall be returned to the applicant. The permit drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his/her authorized representative.

Amend Section 108 as follows:

Replace entire wording of 108.2 to read as follows:

108.2 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 schedule as established by the City of Mobile.

On all buildings, structures, or alterations requiring a building permit as set forth in Section 104, a fee shall be paid as required at the time of filing the application, in accordance with the following schedule:

1. Each permit shall be assessed a \$1.00 computer usage fee.
2. Where the valuation does not exceed \$100, no fee shall be required unless an inspection is necessary.
3. For a valuation over \$100, up to and including \$14,000, the fee shall be \$3 per thousand or fraction thereof.

4. For a valuation over \$15,000, up to and including \$100,000, the fee shall be \$45 for the first \$15,000, plus \$2 for each additional thousand or fraction thereof.
5. For a valuation over \$100,000, up to and including \$500,000, the fee shall be \$215 for the first \$100,000, plus \$1.00 for each additional thousand or fraction thereof.
6. For a valuation over \$500,000, up to and including \$1,000,000, the fee shall be \$615 for the first \$500,000, plus \$0.40 for each additional thousand or fraction thereof.
7. For a valuation over \$1,000,000, the fee shall be \$815 for the first million plus \$0.15 for each additional thousand or fraction thereof.
8. One-quarter (1/4) of one percent (1%) of total valuation shall be added to the above.
9. Permit Adjustment Fee. It shall be the responsibility of the permit holder to provide the Building Official with an adjusted valuation of all construction including, but not limited to, cost overrun(s) and change order(s) within forty-five (45) days of completion of said project.
10. Penalties. Where work for which a permit is required by this code commences prior to obtaining said permit, the permit fee herein specified shall be doubled.
11. Moving Fee. For the moving of any building or structure, the fee shall be \$50 per section.
12. Fence and Wall Fee: For the construction of all fences or walls, the fee shall be \$5.00.
13. Demolition Fee. For the demolition of any building or structure, the fee shall be \$25 per story. Interior demolition shall be based on the contract value.
14. Plan Review Fee. A plan review fee of fifty dollars (\$50) shall be paid for review of all multiple family, commercial or industrial projects. Said fee shall be paid at the time said plans are submitted to the City of Mobile.
15. Mobile Home Permit Fee. For the placement of a mobile home, a permit fee of fifty dollars (\$50) shall be paid.
16. Duplicate Permit Fee. A fee of \$10 shall be paid for duplicate permit cards requested for residential projects; and a fee of \$20 shall be paid for duplicate permit cards requested for commercial projects.
17. Letter of Final Inspection. A letter of final inspection for certifying permitted work only, the fee shall be \$10 per letter.

18. Re-inspection Fee(s). A fee of \$25.00 shall be paid for each re-inspection requested.

19. Weekend and emergency inspections \$50.00 – 1st hour
 Each additional hour \$25.00

Amend 108.6 as follows:

108.6 Fee refunds. The Building Official ~~is authorized to establish a refund policy~~ shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than eight percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The Building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Amend Section 109 as follows:

Delete 109.3.7 in its entirety:

~~**109.3.7 Energy efficiency inspections.** Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R* and *U* value, fenestration *U* value, duct system *R* value, and HVAC and water heating equipment efficiency.~~

Amend Section 110 as follows:

Amend 110.3 as follows:

110.3 Certificate issued. 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, the Building Official shall issue a certificate of occupancy or a certificate of completion (shell building) that shall contain 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 sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

Amend Section 112 as follows:

Replace entire wording of 112.1 as follows:

~~**112.1 — 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 board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.~~

112.1 General. There is hereby established a Board to be called the Board of Appeals, which shall consist of seven (7) members, who shall be the duly elected and qualified Council Members of the City of Mobile.

Add 112.1.1 as follows:

112.1.1 Rules and Regulations. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The Board shall meet at regular intervals, to be determined by the Chairman. In any event, the Board shall meet within 10 days after notice of appeal has been received. Every decision shall be promptly filed in writing in the office of the Building Official, and shall be open to public inspection, a certified copy shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing.

Delete 112.2 in its entirety

~~**112.2 — 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 thereunder have been incorrectly interpreted, the provisions of this code do not full apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.~~

Adopted:

Delete 112.3 in its entirety

~~**112.3 — 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.~~

Amend Section 113 as follows:

Amend 113.4 as follows:

113.4 Violation penalties. 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 as prescribed by law in accordance with Chapter 1 of the Mobile City Code.

Amend Section 115 as follows:

Replace entire wording of Section 115:

~~**115.1 — Conditions.** Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe conditions. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.~~

~~**115.2 — Record.** The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.~~

~~**115.3 — Notice.** If an unsafe condition is found, the Building Official shall serve on the owner, agent, or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the order.~~

~~**115.4 — Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter 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.~~

~~Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.~~

~~**115.5 — Restoration.** The structure or equipment determined to be unsafe by the Building Official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.~~

New wording for Section 115 as follows:

115 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 Buildings. 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 FIVE: Chapter 10 of the 2000 International Building Code shall be amended as follows:

Amend 1004.3.2.3 Dead Ends to read as follows, delete exceptions:

1004.3.2.3 Dead Ends. Where more than one exit or exit access doorway is required, the exit access shall be arranged such that there are not dead ends in corridors more than 20 feet in length.

Exceptions:

- ~~1. In occupancies in Group I-3 of occupancy condition 2, 3, or 4, the dead end in a corridor shall not exceed 50 feet.~~
- ~~2. In occupancies in Group B and F where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.1.1, the length of dead end corridors shall not exceed 50 feet.~~
- ~~3. A dead end corridor shall not be limited in length where the length of the dead end corridor is less than 2.5 times the least width of the dead end corridor.~~

SECTION SIX: Chapter 16 of the 2000 International Building Code shall be amended as follows:

Amend 1612.3 as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a floor hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Management Agency in the most current adopted engineering report entitled “The Flood Insurance Study for The City of Mobile”, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) 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.

SECTION SEVEN: Chapter 23 of the 2000 International Building Code shall be amended as follows:

Replace entire wording of 2304.11.6 in its entirety:

~~**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.~~

New wording for 2304.11.6 as follows:

2304.11.6 Termite protection. In territories where hazard of termite damage is known to be very heavy the Building Official may require floor framing of naturally durable wood, preservative-treated wood, soil treatment, or other approved methods of termite protection. Where the floor is constructed of a concrete slab on ground, the Building Official may require soil treatment under the slab. 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 EIGHT: Chapter 34 of the 2000 International Building Code shall be amended as follows:

Amend Section 3406 as follows:

Amend 3406.1 as follows:

3406.1 Historic Buildings. ~~The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard.~~ Except as provided for herein, historic buildings, including those listed on

the National Register of Historic Places or eligible for listing on the National Register of Historic Places, shall comply with the provisions of this code relating to the repair, renovation, alteration, restoration, reconstruction, movement and/or change of use of structures. Non-historic structures located within a designated Historic District are also subject to review by the Mobile Historic District Development Commission.

1. For purposes of applying this section, historic buildings shall include any building or structures that meets one or more of the following criteria:
 - i. Listed on the National Register of Historic Places;
 - ii. Eligible for listing on the National Register of Historic Places; or

2. Variations: Building owners wishing to use an alternative to compliance with specific provisions of this code shall submit requests(s) for variations in writing. Requests for variation shall identify all nonconformities with the requirements of this code and shall include: a statement of the requirements of this code from which a variation is sought, a statement of the manner by which strict compliance with the provisions of this code would result in practical difficulties or would detract from the historic character of the building and statement of feasible alternatives to the requirements to the requirements of this code that would adequately protect the health, safety, and welfare of the intended occupants and of the public generally.
 - i. The provisions for (Variations) notwithstanding, a variation may be granted where no feasible alternative to the strict requirements of the code exists, provided that the owner submits a finding by a qualified architect or engineer, if required by State law, that the feature of the building which cannot be brought into strict compliance with the requirements of this code is essential to maintaining the historical value and character of the building. Any such finding submitted in support of a variation application shall be in writing and shall state the basis and reasons for the finding.

 - ii. Variations to applicable barrier free requirements may be granted only if the historic character of the building would be threatened or destroyed as determined by the Building Official.

3. When a historic building is used as a historic museum, the building shall be classified as Use Group B provided that the following conditions are met:
 - i. A limit on occupancy, not to exceed 50, is set by the Building Official based on egress capacity and travel distance using the following parameters: 2000 International Building Code Table 1003.2.2.2.

For building with a single means of egress, occupancy shall be limited to the first and second floors, and the travel distance shall not exceed 75 feet;

Two means of egress shall be required from all floors above the second floor where occupancy is permitted.

- ii. There is supervision by a guide or other employee or volunteer knowledgeable in the emergency exiting procedures during all times that visitors occupy the building.
4. Special provisions: Historic buildings undergoing repair, renovation, alteration, restoration, or reconstruction consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties may comply with the following in lieu of compliance with the corresponding requirements of IBC.

i. Materials and methods: Original or replica materials and original methods of construction may be used, subject to the provisions of this section.

Exception: Components of building systems hidden from public view, including but not limited to electrical equipment and wiring, plumbing equipment and piping and heating equipment, building structural elements.

ii. Exterior walls: Exterior walls shall not be required to be modified to meet the requirements for fire-resistive wall construction.

iii. One-hour Fire-resistive Assemblies: Where one-hour fire-resistive construction is required by this code, it need not be provided regardless of construction or occupancy where the existing wall and ceiling finish is lath and plaster.

iv. Roof covering: The existing type of roof covering may be continued or replaced with the same materials or the preexisting materials may be replaced or restored if the materials are documented to be historic.

v. Means of Egress: Existing door openings and corridor and stairway widths of less than that specified in the 2000 International Building Code Table 1003.2.3 may be approved, provided that, in the opinion of the code official, there is sufficient width and height for a person to pass through the opening or traverse the exit.

vi. Doors: The existing front or main exit doors need not swing in the direction of exit travel when serving fewer than 50 people or when other approved exits having sufficient capacity to serve the total occupant load are provided.

Door hardware: Existing or replica hardware shall be permitted provided that no life safety hazard is created and that the hardware meets the intent of IBC or IRC code if applicable (i.e. operable without use of a key, tool or special knowledge). Existing or replica hardware may be fixed in place or modified to meet the intent of the IBC.

vii. Transoms: Existing transoms and existing doors in corridors and other fire rated walls may be retained in accordance with this Code. Transoms must be fixed or closed.

viii. Interior Finishes: The existing finishes or replacement finishes on corridor walls and ceilings may be accepted where it is demonstrated that it is the historic finish.

In building other than Use Group R-3, finishes in exitways shall have a flame-spread classification of Class C or better. Existing nonconforming materials shall be surfaced with an approved fire-retardant paint or finish unless the building is equipped throughout with an automatic fire suppression system installed in accordance with the building code.

ix. Stairways: Stairways shall comply with the following:

a. Enclosure: Stairway enclosures may be omitted in a historic building for that portion of the stair serving the first and second floor. This provision shall be applied to only one stair per building.

In buildings of three stories or less, exit enclosure construction shall limit the spread of smoke by the use of tight fitting doors and solid elements. Such elements shall not require a fire-resistance rating.

b. Stair height, riser height and tread width: When stairs are replaced or repaired, the existing or original stair height, riser height and tread width shall be permitted to remain.

x. Railings: Railings shall comply with the following:

a. Handrails: Existing handrails may remain or may be replaced with handrails matching the original handrails or original spacing shall be permitted to remain.

b. Guardrails: For vertical drops of 30 inches or more, an existing rail height of at least 30 inches shall be accepted and the existing or original baluster spacing shall be permitted to remain.

Exception: Replacement guardrails in buildings of Use Group E or R-1 shall comply with Section 1015 of the IBC.

xi. Exit Signs: The Building Official may accept alternate exit sign design and/or location where strict compliance would damage the historic character of the building. Alternative signs or emergency lighting shall identify the exits and exit path.

xii. Ceiling height: Existing ceiling heights shall be permitted to remain.

5. Relocated historic buildings:

- i. Foundations of relocated historic buildings and structures shall comply with the 2000 International Building Code.
 - ii. Relocated historic buildings shall be so sited that exterior walls and openings comply with the requirements of the 2000 International Building Code.
6. Special change of use provisions: Compliance with the following and with the provisions of (4) above shall be permitted for any change of use of a historic building provided that the restoration of the building is being performed consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties.
 - i. Building Area: The floor area for historic buildings undergoing a change of use to a higher hazard category as per Table E of Section 503 may exceed the allowable areas specified in the building code for the proposed use group by fifty percent.
7. Additions to historic structures shall comply with IBC for new construction.

Add 3406.2 as follows:

3406.2 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 Buildings. 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 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.

Adopted: June 12, 2001

/s/ Glenda A Morgan, City Clerk