

**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: That pursuant to Alabama Code Section 11-44-8 (1975) the 2000 Edition of the International Property Maintenance Code, 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 "Property Maintenance 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 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: The said 2000 International Property Maintenance 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after the 12th day of June, 2001, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.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 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 for the City of Mobile, hereinafter referred to as "this code".

Amend 101.3 as follows:

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy or vacancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

Amend Section 102 as follows:

Amend 102.3 as follows:

102.3 Application of other codes. Repairs, additions or alteration to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Plumbing Code, International Mechanical Code, International Fuel and Code and the currently adopted NEC National Electrical Code. Each and every reference to the ICC Electrical Code shall be construed to mean the 1999 NEC National Electrical Code. ~~Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning 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 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.

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 1999 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:

Amend 103.1 as follows:

103.1 General. ~~The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the Code Official.~~ 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:

~~**103.2 Appointment.** The Code Official shall be appointed by the chief appointing authority of the jurisdiction; and the Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.~~

Amend 103.3 as follows:

103.2 Deputies. 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 ~~deputy code official~~ chief safety inspector, or other related ~~technical enforcement~~ officers, inspectors, and other employees.

Amend 103.4 as follows:

103.4 Restriction of employees. An official or employee connected with the enforcement of this code, ~~except one whose only connection is that of a member of the board of appeals established under the provisions of Section 111,~~ 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.

Delete 103.6 in its entirety

~~**103.6 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.~~

Amend 104.6 as follows:

104.6 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 any, person, firm, 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 ~~deemed a strict liability offense~~ punishable in accordance with Chapter 1 of the Mobile City Code. If the notice of violation is not complied with the Code Official ~~shall~~ may also institute ~~the 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 may be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3. Notices for condemnation procedures shall, except in cases of Emergency Measures as described in Section 109, also comply with Section 108.3 and Alabama Act No. 140, approved May 11, 1971.

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 as determined by the Code Official to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. ~~Inform the property owner of the right to appeal.~~

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.

Replace entire wording of Section 108 with the following

108 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 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, , 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 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 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 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.

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 ~~whether or not the legal procedure here in described has~~

~~been instituted, 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.

~~**109.4 Emergency repairs.** For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.~~

Delete 109.5 in its entirety.

~~**109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.~~

Delete 109.6 in its entirety.

~~**109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.~~

Delete Section 111 – Means of Appeal - in its entirety

Amend Section 303 as follows:

Amend 303.14 as follows:

~~**303.14 Insect screens.** During the period from [DATE] TO [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self closing device in good working condition.~~

303.14 Insect screens. Dwelling units which do not have a central air conditioning system shall have 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.

Amend Section 603 as follows:

Amend 603.4 as follows:

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

Adopted: June 12, 2001

/s/ Glenda A. Morgan, City Clerk