

AN ORDINANCE TO ADOPT AN EXISTING BUILDING CODE FOR THE
CITY OF MOBILE, ALABAMA

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, AS FOLLOWS:

ARTICLE ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2021 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 an ordinance adopted by the City Council of the City of Mobile, Alabama on November 8, 2022, is hereby adopted as the "Existing Building Code of the City of Mobile." The ordinance will become effective sixty (60) days after adoption by the City Council.

ARTICLE 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 2021 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.

ARTICLE THREE: Effective Date. The said *2021 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sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

ARTICLE FOUR: Contractors Criteria and Qualifications. Criteria and qualifications for all contractors shall be set forth herein. For the purpose of this ordinance the term contractor will hereinafter refer to (Building) Contractor as defined and added by **ARTICLE NINE** in **SECTION 202 GENERAL DEFINITIONS**.

Building Contractor's Responsibility. 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.

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 are a licensed and Bonded Electrical Contractor in accordance with the City of Mobile Board of Electrical Examiners and the statutory requirements of the State of Alabama Board of Electrical Contractors. 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 Plumber 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 Master Plumbers must be duly registered with the State of Alabama. An Alabama certified Master Plumber 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.

ARTICLE 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.

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.

ARTICLE SIX: Criteria for Owners to Obtain Permits. For the purpose of this code, a property 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 execution of a Building Affidavit. Owner competence can be initially demonstrated by satisfactory performance on an in-house builder's knowledge test at the Permitting Department. Any individual other than the property owner doing the work on a 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, for property owner permit holders, shall be the same as for contractors in SECTION 109 INSPECTIONS.

ARTICLE 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.

ARTICLE EIGHT: 2021 INTERNATIONAL EXISTING BUILDING CODE CHAPTER 1 SCOPE AND ADMINISTRATION Part 1-SCOPE AND APPLICATION Amend to read as follows:

SECTION 101 SCOPE AND GENERAL REQUIREMENTS:

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 Exception to read as follows: 101.2
Scope. Exception:**

Exception. Historical Structures: Building official at his discretion may, after 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 this 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.

101.6 Appendices. – Amend to read as follows:

101.6 Appendices. The Building Official is authorized to require retrofit of buildings, structures or individual structural members in accordance with the appendices of this Code if such appendices have been individually adopted. Provisions in the appendices shall not apply unless specifically adopted.

Add sub-paragraph 101.6.1 Adopted Appendices. To read as follows:

101.6.1 Adopted Appendices. The following appendices shall be adopted:

Appendix A – Guidelines for the Seismic Retrofit of Existing Buildings.

Appendix B – Supplementary Accessibility Requirements for Existing Buildings and Facilities

Appendix C – Guidelines for the Wind Retrofit of Existing Buildings

SECTION 102 APPLICABILITY 102.4 Referenced codes and standards. 102.4.2 Conflicting provisions. Amend as follows:

Add Paragraph 102.4.2.1 Energy Conservation. To read as follows:

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

Add sub-paragraph 102.4.2.2 Mechanical. To read as follows:

102.4.2.2 Mechanical. Where applicable, the provisions of the *2021 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.

Add sub-paragraph 102.4.2.3 Plumbing. To read as follows:

102.4.2.3 Plumbing. Where applicable, the provisions of the *2021 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.

Add sub-paragraph 102.4.2.4 Property Maintenance. To read as follows:

102.4.2.4 Property Maintenance. Where applicable, the provisions of the *2021 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.

Add sub-paragraph 102.4.2.5 Application of the Fire Code. To read as follows:

102.4.2.5 Application of the Fire Code. The provisions of the *2021 International Fire Code*, and adopted ordinances, shall apply to the design and construction of new and existing structures and premises, and any alterations, additions, changes in use or changes in structures or premises required by this code.

Add sub-paragraph 102.4.2.6 Building. To read as follows:

102.4.2.6 Building. Where applicable, the provisions of the *2021 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.

Add sub-paragraph 102.4.2.7 Electrical. To read as follows:

102.4.2.7 Electrical. Where applicable, the provisions of the *2020 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.

Add sub-paragraph 102.4.2.8 Fuel Gas. To read as follows:

102.4.2.8 Fuel Gas Code. Where applicable, the provisions of the *2021 International Fuel Gas Code*, and adopted ordinances, shall apply to the installation, alteration, repair and replacement of fuel gas piping systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a fuel gas system.

Part 2-ADMINISTRATION AND ENFORCEMENT Amend to read as follows:

SECTION 104 DUTIES AND POWERS OF CODE OFFICIAL

Sub-paragraph 104.10.1 Flood hazard areas. Amend to read as follows:

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 Management and Flood Control Ordinance*" which procedure is administered and enforced by the City of Mobile Engineering Department.

SECTION 105 PERMITS

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. Amend to read as follows:

Building:

Delete subparagraph 5 in its entirety.

105.3 Application for permit. Add sub-paragraphs 8 and 9. To read as follows:

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

SECTION 106 CONSTRUCTION DOCUMENTS 106.2.1 Construction documents. Amend to read as follows:

Add sub-paragraph 106.2.1.1 Letter of supervision. To read 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.

Add sub-paragraph 106.2.1.2 Certificate of Substantial Completion. To read 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:

108.2 Schedule of permit fees. Amend to read 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 "Building Codes Permit Fee Schedule Ordinance" adopted by separate ordinance.

108.6 Refunds. Amend to read as follows:

108.6 Refunds – Building permit refunds shall be issued in accordance with the policies spelled out in the "Building Codes Permit Fee Schedule Ordinance" as adopted in a separate ordinance.

SECTION 112 MEANS OF APPEALS Delete in its entirety.

Add SECTION 112 BOARD OF APPEALS

112.1 General. To read as follows:

112.1 General. The Board of Appeals, herein called the Construction Board of Appeals, shall be in accordance with the applicable sections regarding appeals of the International Building Code and the Ordinance Adopting the International Building Code.

SECTION 113 VIOLATIONS 113.4 Violation Penalties. To be amended as follows:

113.4 Violation penalties. Amend to read as follows:

113.4 Violation penalties. Persons who shall violate a provision of the *2021 International Existing Building Code* (IEBC), as amended, or shall fail to comply with any of the requirements thereof or who shall construct, enlarge, alter repair, move, demolish or change the occupancy of a 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 prosecuted, and upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00). In addition, thereto, at the discretion of the court trying the case, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period not exceeding six (6) months. Other penalties in accordance with Chapter 1 of the Mobile City Code may also apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Notwithstanding any other provision of law, the maximum penalty for every person convicted of violating any of the following offenses are as follows:

1. A violation of any provision of **ARTICLE FOUR: Contractors Criteria and Qualifications**, of this Ordinance, shall be a \$500 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
2. A violation of any provision of **ARTICLE SEVEN: Vehicular Signs**, of this Ordinance, shall be a \$100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
3. Any act to impede, delay, deceive, obstruct, hinder, disturb or interfere in any manner with the Code Official in the execution of the Code Official's duties shall be a \$100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT 115.3 Notices - Amend to read as follows:

Add sub-paragraph 115.3.1 Unsafe Structures and Equipment. To read 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 procedures:

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 115.3 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 accordance with SECTION 115 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.

ARTICLE NINE: 2021 INTERNATIONAL EXISTING BUILDING CODE CHAPTER 2
DEFINITIONS Section 202 General Definitions Amend to read as follows:

THE FOLLOWING DEFINITIONS: Amend to read as follows:

FLOOD HAZARD AREA. The area designated as a flood hazard area in accordance with the “Storm Water Management and Flood Control 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.

ADD THE FOLLOWING DEFINITION:

CONTRACTOR. One who, for a price, commission, fee, or wage undertakes to construct or superintend or engage in the construction, enlargement, alteration, maintenance, repair, move, rehabilitation, remediation, reclamation, demolish of a structure or swimming pool.

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.

**ARTICLE TEN: 2021 INTERNATIONAL EXISTING BUILDING CODE CHAPTER 3
PROVISIONS FOR ALL COMPLIANCE METHODS SECTION 302 GENERAL
PROVISIONS Amend to read as follows:**

302.2 Additional codes. Amend to read as follows:

302.2 Additional codes. *Alterations, repairs, additions and changes of occupancy* to, relocation of, *existing buildings* and structures shall comply with the provisions for *alterations, repairs, additions and changes of occupancy* or relocation, respectively, in this code and the *International Energy Conservation Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Residential Code, National Electrical Code, International Fuel Gas Code and International Building Code*. Where the provisions of other codes conflict with provisions of this code, the provisions of this code shall take precedence.

**ARTICLE ELEVEN: 2021 INTERNATIONAL EXISTING BUILDING CODE CHAPTER
13 PERFORMANCE COMPLIANCE METHODS SECTION 1301 GENERAL Amend to
read as follows:**

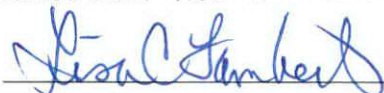
1301.2 Applicability. Amend to read as follows:

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 5 through 13. The provisions of Sections 1301.2.1 through 1301.2.6 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.

ARTICLE TWELVE: 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: NOV 08 2022



City Clerk