

ORDINANCE NO. 2022-005

AN ORDINANCE REPEALING ORDINANCE NUMBER 2018-002 OF THE CITY OF MOULTON, ALABAMA AND ADOPTING, , THE 2018 ADDITION OF THE *INTERNATIONAL BUILDING CODE* REGULATING AND GOVERNING THE DESIGN, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE, CONDEMNATION, AND DEMOLITION OF ALL APPLICABLE STRUCTURES LOCATED WITHIN THE CITY OF MOULTON, ALABAMA, AND ESTABLISHING FEES FOR THE ISSUANCE OF CERTAIN PERMITS RELATING TO THE SAME, SO AS TO PROVIDE A SCHEDULE OF SUCH PERMITS.

WHEREAS, it is the desire of the City Council of the City of Moulton, Alabama to update its provisions relating to the regulation and control of the construction, erection, alteration or improvement of buildings; the installation of plumbing or plumbing fixtures; the installation of electrical wiring or lighting fixtures, the installation of gas pipe or gas fixtures; fire prevention; building mechanical systems; and the elimination or repair of unsafe buildings; and

WHEREAS, the Moulton City Council has determined that this can be best accomplished by the adoption of certain standard codes relating to such subjects; and

WHEREAS, the Moulton City Council enacts this ordinance in connection with its powers granted by Ala. Code §11-45-8, §11-43-59 and §11-45-8(c) (1975, as amended).

WHEREAS, the City of Moulton, prior to the enactment of this Ordinance has complied with the requirements of § 11-45-8 of the *Code of Alabama* concerning the approval of ordinances which adopt by reference, without setting the same out at length in the ordinance, rules and regulations which have been printed as a code in book or pamphlet form;

WHEREAS, among other things, the Moulton City Council has conducted a public hearing relating to the adoption of this ordinance at its regular meeting on _____

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOULTON, ALABAMA, while in regular session on _____ as follows;

SECTION 1:

BUILDING CODES ADOPTED:

The following building codes, as promulgated and designated by the International Code Council, 2018 Edition, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure the structures are safe, sanitary and fit for occupation and use, (Which are on file in the Office of the Building Inspection Department of the City of Moulton) are hereby adopted by The City of Moulton.

APPENDIX:

An appendix is not mandatory unless specifically referenced in the adopting ordinance.

A. International Building Code- (IBC) 2018 Edition (including Appendix N)

1. Section 1612.3 Establishment of flood hazard areas is hereby amended by inserting “City of Moulton” in place of [NAME OF JURISDICTION]. [August 02,2018] in date of issuance.

B. International Residential Code for One and Two-Family Dwellings- (IRC) 2018 Edition. (Including Appendix, A, D, F, J and Q)

1. Table R301.2(1) is hereby amended as follows:

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Roof snow load	10 lbs. sq. ft.
Wind speed	90 m.p.h.
Seismic Design Category	B
Weather	Moderate
Frost Line Depth	12 inches
Termite Damage	Very heavy
Decay	Moderate to severe
Winter Design Temp.	16 degrees F
Ice Barrier Underlayment Required	No
Flood Hazards	FIRM map August 02, 2018

C. International Plumbing Code- (IPC) 2018 Edition

1. Section 305.4.1 Sewer depth is hereby amended by inserting “twelve (12) inches” in place of [NUMBER].
2. Section 903.1 Roof extension is hereby amended by inserting “ten (10) inches” in place of [NUMBER].

- D. **International Fuel Gas Code- (IFGC) 2018 Edition**
- E. **International Mechanical Code- (IMC) 2018 Edition**
- F. **International Fire Code- (IFC) 2018 Edition**
- G. **International Property Maintenance Code- (IPMC) 2018 Edition**
- H. **International Existing Building Code – (IEBC) 2018 Edition**
- I. **National Electric Code- (NEC) 2017 Edition (NFPA 70-2017)**
- J. **International Swimming Pool and Spa Code- (ISPSC) 2018 Edition**
- K. **American National Standard Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1- 2009); and the Alabama Energy and Residential Codes as set forth in § 305-2-4-.07, § 305-2-4-.8, § 305-2-4-.9 and § 305-2-4-.10.**

SECTION 2: PERMIT FEES

- A. Permit fees for commercial and industrial projects shall be determined by verifying the contract value of the work stated during the permit application process and applying the correlating permit fee from the construction valuation fees listed in Sections D and E of this ordinance.
- B. Permit fees for repairs, alternations, additions, moving or demolition of existing structures both residential and commercial shall be determined by verifying the contract value of the work stated during the permit application process and applying the correlating permit fee from the construction valuation fees listed in Sections D and E of this ordinance.
- C. Permit fees for new installations or repair, alternations, modifications or addition to electrical, mechanical, plumbing and fuel gas systems or components regulated by the International Codes shall be no less than twenty-five dollars (\$25.00) or based on the value of work to be done and applying fees in accordance with Sections D and E, whichever is greater.

Total Valuation

\$1,000 and less

No fee unless inspection required in which case a \$25.00 fee shall be charged.

\$1,000 to \$50,000	\$25.00 for the first \$1,000 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000
\$50,000 to \$100,000	\$260.00 for the first \$50,000 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000
\$100,000 to \$500,000	\$460.00 for the first \$100,000 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000
\$500,000 and up	\$1,660.00 for the first \$500,000 Plus \$2.00 for each additional thousand or fraction thereof.

D. Determining the Valuation of a detached Single-Family Dwelling

The actual contract price or sum of contracts shall be used in determining the valuation of the detached single-family dwelling.

Exceptions:

Provided that the minimum price of \$105.00 per square foot of heated area plus \$35.00 for all unheated areas, porches, balcony, garages, etc. to be used in determining the valuation of a single-family dwelling.

E. All Buildings Excluding Single-Family Dwelling:

All buildings, other than single-family detached, shall have their values taken from the actual contract price, sum of contracts or from the detailed estimated construction cost.

F. In addition to all other permit fees set forth in this Ordinance and in accordance with Act 2015-308 State of Alabama, a Construction Industry Training Fee of one dollar (\$1.00) for every thousand dollars (\$1,000.00) of construction authorized shall be collected and remitted by the 20th day of the month to the Department of Finance, Division of Construction Management, State of Alabama. The fee shall be based on the total sum of the Construction cost of all non-residential building permits issued by the City.

G. Specifically excluded from the collection of fees are any licensed home builder, as defined in Ala. Code §34-14A-2 (1975, as amended); any subcontractor working on a

residential construction site including renovations to any residential structure; or any person or entity specifically exempt, with the exception of subsection (E), under Ala. Code §34-14A-6 (1975, as amended).

Permit fees are hereby established and shall be paid by the applicant, before any work relating to the subject of any such permit shall commence, in the amounts determined by application of Sections 2 (A), (B), (C), (D), (E) and (F) of this ordinance.

- F. When work for which a permit is required by any adopted code is started prior to obtaining permit there shall be a penalty of 100% of the permit fee as determined above.

SECTION 3: ENFORCEMENT, APPROVAL AND ISSUANCE OF BUILDING PERMITS

A. ENFORCING OFFICER

1. The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector (“MBI”).
2. The MBI shall have the right to enter upon any premises at any reasonable time prior to the issuance of a certificate of occupancy for the purpose of making inspections of buildings or premises necessary in the carrying out of his/her duties in the enforcement of this ordinance.

B. APPROVAL OF PLANS

1. The MBI shall require that every application for a building permit for excavation, construction, use of land, moving, or alteration be accompanied by a plan or plat drawn to scale, enabling the MBI to ascertain whether the proposed excavation, construction, use of land, moving or alteration in in conformance with this ordinance.
2. The following must be shown in sufficient detail on the plan or plat submitted:
 - a. The actual shape, proportion, and dimensions of the lot to be built upon.
 - b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot.
 - c. The existing and intended use of all such buildings or other structures.
 - d. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

C. BUILDING PERMITS

1. It shall be unlawful to commence the excavation, construction or placement of any building or other structure, including accessory structures, mobile homes, and manufactured homes, store building materials, erect temporary field offices or commence the moving, alteration or repair of any structure, until the MBI has issued

- a building permit for such work, including a statement that the plans, specifications, and intended use of such structure in all respects conform with the provisions of this ordinance.
2. Residence repairs not changing the character of the structure or not exceeding one thousand dollars (\$1000.00) in cost will not require a building permit.
 3. Application for a building permit shall be made to the MBI on forms provided for that purpose.
 4. If work requiring permit is commenced without obtaining permit, the penalty can be permit issued at double fee.
 5. Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within 180 days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of 180 days.
 6. It shall be unlawful for the MBI to approve any plans or issue a building permit for any excavation or construction until he/she has inspected such plans in detail and found them in conformity with this ordinance.
 7. Any building permit issued by the MBI may require the following based on Ala. Code §34-2-30 (1975, as amended):
 - a. All buildings 2,500 square feet or larger that are erected, enlarged, or altered require the services of a registered architect, unless the building is a single-family residence, farm building, or utility building.
 - b. All buildings erected, enlarged, or altered that are intended for the assembly occupancy of people regardless of size require the services of a registered architect.
 - c. All buildings erected, enlarged or altered that are intended for the use as an education facility regardless of size require the services of a registered architect.
 8. If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the MBI shall issue a building permit accordingly. If an application for a building permit is not approved, the MBI shall not issue a building permit. If an application for a building permit is not approved, the MBI shall state, in writing on the application, the cause for such disapproval.
 9. Issuance of the building permit shall in no case be considered as waiving any provision of this ordinance.

SECTION 4: CERTIFICATE OF OCCUPANCY REQUIRED

- A. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the MBI has issued a certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this ordinance.
- B. Within three (3) days after the owners, or his agent, have notified the MBI that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the MBI to make a final inspection thereof and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause.

SECTION 5: PENALTIES

- A. Any violation of any section or provision of this ordinance shall, upon conviction or adjudication of guilty, be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or by a jail sentence of up to six (6) months or by both fine and imprisonment, plus court costs for each offense.
- B. This shall be in addition to any assessment of costs available to the City as provided in this ordinance.
- C. Each day such violation continues shall constitute a separate offense.

SECTION 6: REMEDIES – If any building or other structure erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land used in violation of this ordinance, the MBI or any other appropriate authority or any adjacent or neighboring property owner, who would be specially damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to correct or abate such violation or to prevent occupancy of such building, structure, or land.

SECTION 7: SAVINGS CLAUSE - If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not in and of itself invalid or unconstitutional.

SECTION 8: REPEALER - Any ordinance heretofore adopted by the Council, which is in conflict with this Ordinance is hereby repealed to the extent of the conflict.

SECTION 9: EFFECTIVE DATE - This Ordinance shall take effect and be in force from and after the date of its adoption and publication as required by law.

ADOPTED THIS THE ____ DAY OF _____, 2022

Roger Weatherwax, Mayor

ATTEST:

Deroma Pepper, City Clerk

Signed copy available at City Hall