

ORDINANCE NO. 1842

An ordinance to adopt a Building Code for Jefferson County, Alabama.

WHEREAS, on the 19th day of December 2019, at a regular meeting of the Jefferson County Commission the following resolution was adopted:

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION, AS FOLLOWS:

Section A. That the Jefferson County Commission proposes to consider the adoption of a building code by ordinance as authorized by Act No. 676 of the Regular Session of the Legislature of Alabama of 1967, approved September 8, 1967, (Alabama Acts, 1967, pp. 1501 -1503), and Act No. 1055 of the Regular Session of the Legislature of Alabama of 1975, approved October 10, 1975, (Alabama Acts, 1975, pp. 2116 -2118), and will hold a public hearing thereon at the regular meeting of the Jefferson County Commission to be held in the Jefferson County Commission Chambers in the County Courthouse in Birmingham, Alabama, on the 5th day of December, 2019, at 9:00 A.M. Said code shall be known as the "Building Code of Jefferson County, Alabama, 2018."

Section B. That three copies of said proposed "Building Code of Jefferson County, Alabama, 2018" shall be filed in the office of the Director of the Development Services of Jefferson County, Alabama, Room B200, Courthouse; and the office of the County Manager of Jefferson County, Alabama, Suite 220, Courthouse by the 21st day of October, 2019, for the use and examination by the public during the regular business hours of said offices from said date until 9:00 A.M. on the 5th day of December, 2019.

Section C. That the Director of the Development Services Department of Jefferson County, Alabama, be and she is hereby authorized, empowered and directed to cause fifteen (15) days notice to be given of the time, place and purpose of the public hearing provided for in Section A of this resolution by publication of such notice once a week for three successive weeks in a newspaper of general circulation in Jefferson County, which said notice shall be in words and figures as follows:

NOTICE OF PROPOSAL BY THE JEFFERSON COUNTY COMMISSION  
TO ADOPT A BUILDING CODE FOR JEFFERSON COUNTY, ALABAMA.  
BY ORDINANCE AND OF A PUBLIC HEARING THEREON.

Notice is hereby given that the Jefferson County Commission proposes to consider the adoption of a building code for Jefferson County, Alabama, to be known as the "Building Code of Jefferson County, Alabama, 2018," by ordinance, in order to revise, update and amend the "Building Code of Jefferson County, Alabama 2015," and that a public hearing thereon will be held at the regular meeting of the Jefferson County Commission, in the Courthouse in Birmingham, Alabama, at 9:00 A.M. on the 5th day of December, 2019, for the consideration of the same. Three (3) copies of said proposed "Building Code of Jefferson County, Alabama, 2018" (consisting of the "2018 Edition of the International Building Code" and the "2018 Edition of the International Residential Code," published by the International Code Council, Incorporated, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, and the "Special Provisions," which modify, revise or are in addition to

provisions contained in the "2018 Edition of the International Building Code" and the "2018 Edition of the International Residential Code") will be on file in the office of the Director of the Development Services Department of Jefferson County, Alabama. Room B200, Courthouse, by the 31<sup>st</sup> day of October, 2019, for the use and examination by the public during the regular business hours of said offices from said date until 9:00 A.M. on the 5th day of December, 2019; and,

WHEREAS, the Jefferson County Commission now finds that all of the provisions of said resolution have been complied with:

NOW THEREFORE, BE IT ORDAINED BY THE JEFFERSON COUNTY COMMISSION AS FOLLOWS:

Section I. That the "2018 Edition of the International Building Code" and the "2018 Edition of the International Residential Code", both published by the International Code Council, Incorporated, 405 I West Flossmoor Road, Country Club Hills, Illinois 60478, be incorporated by reference into this ordinance except as specifically altered by the "Special Provisions" promulgated by the Development Services Department of Jefferson County, Alabama. The "2018 Edition of the International Building Code", the "2018 Edition of the International Residential Code", and the "Special Provisions" are before this Commission and have been on file in the office of Director of Development Services pursuant to resolution adopted by the Commission of Jefferson County, Alabama, on the 17th day of January, 2019, and set forth in the preambles of this ordinance. The "2018 Edition of the International Building Code", the "2018 Edition of the Residential Building Code", and the "Special Provisions." are hereby adopted as the "Building Code of Jefferson County, Alabama, 2018," and shall be effective and operative as such on and after the 3rd day of February, 2020, and on and after said date shall be binding in all unincorporated areas of Jefferson County, Alabama, and also in those parts of said county lying within the corporate limits of municipalities which have not adopted and are not enforcing municipal building codes.

Section 2. That, under this section, the Jefferson County Commission Minute Clerk shall spread said "Special Provisions" on the official minutes of the County Commission. (See "Special Provisions" following Section 9 of the ordinance.)

Section 3. That Ordinance No. 1816, the "Building Code of Jefferson County, Alabama, 2015." adopted by the Jefferson County Commission on November 5, 2015, be, and the same are hereby repealed as of the date upon which the "Building Code of Jefferson County, Alabama, 2018." adopted by Section I of this ordinance, becomes effective as provided by said Section I; provided, however, that no cause of action nor any fine, forfeiture, judgment, penalty, right, remedy or defense accrued at said date, nor any prosecution or complaint pending at said date shall be in any manner released, affected, abated, or impaired by this ordinance or by the code adopted by this ordinance.

Section 4. That immediately after the adoption of this ordinance and in the presence of the Jefferson County Commission the County Commission Minute Clerk shall further identify the "2018 Edition of the International Building Code" and the "2018 Edition of the International Residential Code", referred to in Section I hereof, which is before this Commission by appending thereto and signing a certificate in form substantially as follows:

"I, Millie Diliberto, County Commission Minute Clerk, hereby certify that the document (the "2018 Edition of the International Building Code" and the "2018 Edition of the International Residential Building Code") to which this certificate is appended is the document referred to in Section 1 of Ordinance No. 1842 adopted by the Jefferson County Commission at a regular meeting thereof held on this the 19th day of December, 2019, and that I have signed this certificate in the presence of said Commission at said regular meeting on said date.

Millie Diliberto, County Commission Minute Clerk."

The County Commission Minute Clerk shall carefully preserve this ordinance and said document adopted by Section I hereof as the "Building Code of Jefferson County, Alabama, 2018" as a part of the permanent records of her office.

Section 5. That it be, and hereby is proclaimed that the code adopted by Section I hereof is on file with the Jefferson County Commission Minute Clerk where the same may be inspected by the public and that the public is hereby notified of this ordinance by publication as set forth in Section 7 hereof.

Section 6. That prior to February 3, 2020, the effective date of the code adopted by Section I of this ordinance, a copy of this ordinance and of the code adopted by Section I of this ordinance shall be placed on the Jefferson County Web Site and also made available for use to the general public at the office of the Development Services Department. A copy of this ordinance may be obtained at the Development Services Department for the cost of reproduction as established by the Jefferson County Commission Administrative Order 03-1, As Amended.

Section 7. That the County Commission Minute Clerk shall cause a true copy of this ordinance to be promptly published in a newspaper published and of general circulation in Jefferson County, Alabama, and shall carefully preserve in her office a thus published copy of said ordinance as a part of the permanent records of her office.

Section 8. That any person who knowingly violates any of the provisions of the "Building Code of Jefferson County, Alabama, 2018" shall be subject to the penalty provided for by State Laws.

Section 9. That the provisions of this Ordinance are severable. If any part of the ordinance is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

APPROVED BY THE  
JEFFERSON COUNTY COMMISSION  
DATE: 12/19/19 1305  
MINUTE BOOK: 73  
PAGE(S): 715-716

## SPECIAL PROVISIONS

Delete Chapter I of the "2018 International Building Code" and the "2018 International Residential Code", and substitute in lieu thereof the following Chapter I.

### CHAPTER I –ADMINISTRATION

#### Section 101 -TITLE AND SCOPE

##### 101.1 -TITLE

Provisions in the following chapters and sections shall constitute and be known and may be cited as the "Building Code of Jefferson County, Alabama, 2018," hereinafter referred to as "this Code."

101.2 -SCOPE. The provisions of this Code shall apply in all unincorporated areas of Jefferson County and also in those parts of said County lying within the corporate limits of municipalities which have not adopted and are not enforcing municipal building codes, to the construction, alteration, 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.

1. Detached one-and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the "2018 Edition International Residential Code", Part (J) through Part IX, Part IV shall comply with State Energy Code, Part V shall comply with the 2018 Edition of the International Mechanical Code, Part VI shall comply with the 2018 Edition of the International Fuel Gas Code, Part VII shall comply with the 2018 Edition of the International Plumbing Code, and Part VITI shall comply with the 2017 Edition of the National Electrical Code.

101.2.1 Appendices. The appendices included in this Code are not intended for enforcement unless specifically referenced in the Code text or they are specifically included in this ordinance.

##### 101.3 SCOPE

101.3.1 General. This Code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

101.3.2 Permitting and Inspection. The inspection or permitting of any building or plan under the requirements of this Code shall not be construed in any court as a warranty of the physical condition of such building or the adequacy of such plan. Neither Jefferson County nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, nor for any failure of any component of such building, which may occur

subsequent to such inspection or permitting.

101.3.3 Quality Control. Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein.

101.3.4 Federal and State Authority. The provisions of this Code shall not be held to deprive any federal or state agency, or any applicable governing body having jurisdiction, of any power or authority which it had on the effective date of this ordinance or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

101.3.5 Referenced Standards. Standards referenced in this Code shall be considered an integral part of this Code without separate adoption. If specific portions of a standard are denoted by Code text, only those portions of the standard shall be enforced. Where Code provisions conflict with a standard, the Code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

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

101.4 Referenced Codes. The other codes listed in Sections 101.4.1 through 101.4.5 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 2017 Edition of the "Electrical Code of Jefferson County" shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Gas. The provisions of the "2018 Edition of the 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 the gas code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connection of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.3 Mechanical. The provisions of the "2018 Edition of the 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 "2018 Edition of the International Plumbing Code" shall apply to the installation, alteration, replacement and repair of plumbing systems, including equipment, appliances, fixtures fittings and appurtenances, and where connection to a water or sewer system and all aspects of a medical gas system.

101.4.5 Fire prevention. The provisions of the "2018 Edition of the 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.

10 1.4.6 Energy. The provisions of the 2018 International Code Council Energy Code and the State of Alabama Energy Code shall apply to all matters related to energy conservation.

101.4.7 Existing Structures. The provisions of the 2018 Edition of the International Existing Building Code shall apply as applicable to work performed on existing structures.

## SECTION 102 –ORGANIZATION

### 102.1 –BUILDING OFFICIAL

A Building Official shall work in the Development Services Department and be appointed by the County Manager.

### 102.2 -INSPECTORS

The Governing Body of the County may appoint such number of officers, inspectors, assistants, and other employees to carry out the provisions of this Code.

### 102.3 -DEPUTIES

The Building Official may designate as his deputy an employee in the department who shall, during the absence or disability of the Building Official, exercise all the powers of the Building Official.

### 102.4 -RESTRICTIONS ON EMPLOYEES

An officer, inspector, assistant or employee connected with the department, except one whose only connection is as a member of the Board established by this Code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefore, except for property owned by him and after satisfying the Personnel Board rule on conflict of interest. Such officer, inspector, assistant or employee shall not engage in any work which is inconsistent with his duties or with the interests of the Department.

### 102.5 -RECORDS

The Building Official shall keep, or cause to be kept, a record of the business of the department. All records shall be kept for a minimum period of seven (7) years as required by the Records

Disposition Authority for County Commissions approved by the Jefferson County Commission on January 16, 2001, and amended by the Authority on April 22, 2015. The records of the Department shall be open to public inspection during regular business hours.

## SECTION 103 -POWERS AND DUTIES OF BUILDING OFFICIAL

### 103.1 -RIGHT OF ENTRY

Whenever it is necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official may enter such building or premises in the areas described in Section 101.2 at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this Code.

### 103.2 -STOP WORK ORDERS

Upon notice from the Building Official, work on any building, structure or system that is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice to stop the work.

### 103.3 -REVOCATION OF PERMITS

103.3.1 Misrepresentation of Application. The Building Official may revoke a permit or approval, issued under the provisions of this Code, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. Permit fees shall not be refunded in case of revocation.

103.3.2 Violation of Code Provisions. The Building Official may revoke a permit upon determination by the Building Official that the construction, erection, alteration, repair, moving or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of this Code.

## 103.4 -UNSAFE BUILDINGS

103.4.1 All buildings or structures which are unsafe 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 constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment are severally in contemplation 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:

103.4.1.1 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 notices, give the owner, agent, or person in control of such building or structure written notice stating 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.

103.4.1.2 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: "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.

103.4.1.3 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 Building Code Board of Adjustments and Appeals at a specified time and place to show cause why he should not comply with said notice.

103.4.1.4 In the case 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 shall cause such building or structure or portion thereof to be vacated and remain vacated until repaired or demolished. Provided, however, if such building or structure or portions thereof constitutes a public nuisance, the Building Official shall proceed as provided in 103.5 hereof.

103.4.1.5 The decision of the Building Official shall be final in cases of emergency which, in his opinion, involve imminent danger to human life or health. He shall promptly cause such building, structure, or portion thereof to be made safe, secured or removed. For this purpose, he may at once enter such structure or land on which it stands, or abutting land or structures, with such 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.

103.4.1.6 Costs incurred under 103.4.1.4 and 103.4.1.5 shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

103.4.2 When a structure is damaged by fire and is determined to be unrepairable, or has otherwise been damaged and determined to be irreparable, the owner shall be required to begin removal of the damaged structure within 90 days of inspection, and the structure shall be completely removed within six (6) months. If the building has not been removed within the six (6) months the procedure described in 103.5.1 shall begin.

### 103.5 PUBLIC NUISANCES

103.5.1 As authorized by Act No. 91-193 of the Legislature of Alabama, whenever the Building Official of Jefferson County shall find that any building, structure, part of building or structure, party wall or foundation situated in Jefferson County is unsafe to the extent that it is a public nuisance, such official shall give the person or persons, firm, association or corporation last assessing the property for state taxes and all mortgagees of record, by certified or registered mail to the address on file in the tax collector's office, notice to remedy the unsafe or dangerous condition of such building or structure, or to demolish the same, within a reasonable time set out in said notice, which time shall not be less than sixty (60) days or suffer such building or structure to be demolished by the county and the cost thereof assessed against the property. The mailing of such certified or registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, shall, within three (3) days of the date of mailing, also be posted at or within three (3) feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such building or structure.

103.5.2 Within the time specified in such notice, but not more than sixty (60) days from the date such notice is given, any person, firm or corporation having an interest in such building or structure may file a written request for a hearing before the county commission, together with his objections to the finding by the Building Official that such building or structure is unsafe to the extent of becoming a public nuisance. The filing of such request shall hold in abeyance any action on the finding of the Building Official until determination thereon is made by the county commission. Upon holding such hearing, which hearing shall be held not less than five (5) nor more than thirty (30) days after such request, or in the event no hearing is timely requested, the county commission, after the expiration of sixty (60) days from the date such notice is given, shall determine whether or not such building or structure is unsafe to the extent that it is a public nuisance. In the event that it is determined by the county commission that such building or structure is unsafe to the extent that it is a public nuisance, the county commission shall order such building or structure to be demolished. Such demolition may be accomplished by the county by the use of its own forces, or it may provide by contract for such demolition. The county shall have authority to sell or otherwise dispose of salvaged materials resulting from such demolition.

Any person aggrieved by the decision of the governing body at such hearing may, within ten (10)

days thereafter, appeal to the circuit court upon filing with the clerk of said court notice of said appeal and bond for security of costs in the form and amount to be approved by said circuit clerk. Upon filing of said notice of appeal and approval of the bond, the clerk of the court shall serve a copy of said notice of appeal on the Building Official and said appeal shall be docketed in said court, and shall be a preferred case therein. The Building Official shall, upon receiving such notice, file with the clerk of the court a copy of the findings and determination of the county commission in the proceedings and trial shall be held without jury upon the determination of the county commission that such building or structure is unsafe to the extent that it is a public nuisance.

103.5.3 Upon demolition of such building or structure, the Building Official shall make a report to the county commission of the cost thereof, and the county commission shall adopt a resolution fixing the costs which it finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building or structure shall be used or applied against the cost of said demolition; and, provided further, that any person, firm or corporation having an interest in said property may be heard at such meeting as to any objection he may have to the fixing of such costs or the amounts thereof. The Building Official shall give notice of the meeting at which the fixing of such costs are to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the tax collector's records on the property or is otherwise known to the official. The fixing of said costs by the county commission shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes and shall continue in force until paid. A certified copy of such resolution shall also be filed in the office of the judge of probate of the county. Upon such filing, the tax collector of the county shall add the amount of the lien to the ad valorem tax bill on the property and shall collect said amount as if it were a tax and remit said amount to the county.

103.5.4 The county commission shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land where such demolition or removal has taken place, purchased by the State of Alabama at any sale for the nonpayment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person or persons authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien of the county for such assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to such assessment. Such assessment shall then be added to the tax bill of the property, collected as a tax and remitted to the county.

#### 103.6 -REQUIREMENTS NOT COVERED BY CODE

Any requirement necessary for the strength or stability of any existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this Code, shall be determined by the Building Official, subject to the right of appeal to the Building Code Board of Adjustments and Appeals.

### 103.7 -ALTERNATE MATERIALS AND METHODS

The provisions of this Code are not intended to prevent the use of any material, or method of construction not specifically prescribed by this Code, provided any such alternate has been approved and its use authorized by the Building Official. The Building Official shall approve any such alternate, provided he finds that the alternate for the purpose intended is at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire-resistance, durability, and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding the alternate.

### 103.8 -LIABILITY

103.8.1 This Code shall not be construed as imposing upon Jefferson County any liability or responsibility for damages to any person or property caused by a defect or hazard in any construction, alteration, repair, removal, demolition, use or occupancy of any building, structure or premise, nor shall Jefferson County or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector.

103.8.2 Any officer, inspector, assistant or employee, or member of the Building Code Board of Adjustments and Appeals, charged with the enforcement of this Code, acting for Jefferson County in the discharge of his duties, shall not thereby render himself personally liable, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, inspector, assistant or employee, or member of the Building Code Board of Adjustments and Appeals because of such act performed by him in the enforcement of any provision of this Code shall be defended by the County Attorney until the final termination of the proceedings.

## SECTION 104 -TESTS

The Building Official may require tests or test reports as proof of compliance. Tests, if required, are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency. Copies of such test reports or the results of all such tests shall be kept on file in the office of the Building Official.

## SECTION 105 -APPLICATION FOR PERMIT

### 105.1 -WHEN REQUIRED

105.1.1 General. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, or construct a sign of any description, or to install or alter fire extinguishing apparatus, engines, or to install a steam boiler, furnace, heater, incinerator, heat producing apparatus, or other appurtenances, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the work.

105.1.2 Minor Repairs. Ordinary minor repairs may be made with the approval of the Building Official without a permit; provided that such repairs shall not violate any of the provisions of this Code.

### 105.1.3 Temporary Structures

105.1.3.1 A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

105.1.3.2 Portable, mobile or transportable temporary contractor's construction buildings used in conjunction with construction operations shall be exempt from the provisions of this Code. However, a special permit for a limited time shall be obtained before the placement of any such structures. These buildings shall be removed upon completion or abandonment of such construction.

105.1.4 Optional Procedure for Five Hundred Employee Companies. Any person, firm or corporation operating any manufacturing plant or establishment which now employs at least 500 persons in Jefferson County on a regular basis, (herein called the company) and which regularly employs one or more full time salaried engineers duly registered and licensed under the laws of the State of Alabama, and who desires to improve, expand or construct any company owned manufacturing plant or establishment and who desires to not be inspected as required in Section 108 of this Code, shall first make application, signed by said engineer, submit a plot plan and submit building permit fees and obtain a building permit prior to commencing any improvement, expansion or construction of any such building or structure, and provided further that the said engineer shall, when work is completed, submit a Certificate-of-Completion on a form provided by the Building Official that shall include the certificate of said engineer and the company that the work was done in compliance with all provisions of this Code and all other pertinent county ordinances and Codes and that said engineer and company assumes full responsibility therefore.

### 105.2 -FORM

Each application for a permit with the required fee, shall be filed with the Building Official, on an electronic or paper form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed or electronically affirmed by the owner or his authorized agent. The application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official.

### 105.3 -DRAWINGS AND SPECIFICATIONS

105.3.1 Requirements. For new construction, additions, or alterations, every application for permit shall be submitted electronically or accompanied by two (2) or more copies of specifications, and of drawings drawn to a minimum size of one eighth inch ( 1/8") scale on a minimum sheet size of eleven inches by seventeen inches (11"x 17") with sufficient clarity and detail to indicate the nature

and character of the work, or the electronic submission of same, unless this requirement is altered or waived by the building official. 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. Such information shall be specific, and this Code 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. Specific required plan elements are available in the Major Development Checklist and Building Plan Checklist.

105.3.1.1 Fire protection system shop drawings. Drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction drawings and specifications. Drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the International Building Code. Drawings must be approved prior to the start of system installation.

105.3.1.2 Means of egress. The drawings shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with this Code. Construction drawings shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces, except structures covered by the International Residential Code.

105.3.1.3 Exterior wall envelope. Construction drawings for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Code. The drawings shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. Documentation for maintaining the weather resistance of the exterior wall envelope at penetrations shall be provided.

105.3.1.4 Foundation. Construction drawings for all buildings shall show in sufficient detail the location, size and reinforcement required for all concrete foundations. The construction drawings shall include in sufficient detail the location, size, and material used for all supports required, including but not limited to columns, beams, joists, headers and partitions.

105.3.2 Structural and Fire Resistance Integrity. Plans for all buildings shall indicate how required structural and fire resistive integrity will be maintained where a penetration of a required fire resistive wall, floor or partition will be made for electrical, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistive floors intersect the exterior walls.

105.3.3 Additional Data. The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction and basis of calculations and they shall bear the signature of the person responsible for the design.

105.3.4 Design Professionals Name. All drawings, specifications, and accompanying data shall bear the name and address of the design professional. For buildings or structures of Group E-Educational, Group I-Institutional, and Group A-Assembly Occupancy, Factory/Industrial, and all buildings or structures three (3) stories or more in height or 2,500 square feet or more in area, except structures covered by the International Residential Code, such design professional shall be

an architect or engineer legally registered under the laws of the State of Alabama regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data.

#### 105.4 -SITE DRAWINGS

The Building Official shall require a scale drawing showing the property boundary lines, the location of the proposed building or structure and improvements, every existing building or structure on the site or lot, the existing street lines, and both easements and rights-of-way for public utilities both above and below ground and the Building Official may require, if necessary, that the location of the above be prepared and certified to by a legally registered land surveyor registered under the laws of the State of Alabama. A survey of the property shall be provided and all foundations shall be staked by the surveyor prior to the initial foundation inspection, unless this requirement is waived by the building official upon presentation of a plan clearly showing that the structure will not be within 50 feet of the required setbacks.

#### 105.5 -TIME LIMITATION

An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless, before then a permit shall have been issued; provided that, for cause, one extension of time for a period of not more than six (6) months may be allowed by the Building Official.

#### 105.6 -EXAMINATION OF DRAWINGS AND SPECIFICATIONS

105.6.1 Plan Review. The Building Official shall examine or cause to be examined each application for a permit and the drawings, specifications and accompanying data filed therewith and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Code and all other pertinent county ordinances and codes.

105..6.2 To obtain a building permits, construction plans must be submitted for the following:

##### Commercial Permits

- All new construction
- All building additions
- Any repairs or renovations

##### Residential Permits

- All new construction
- All building additions
- Renovations involving the moving of load-bearing or non-load bearing walls
- Enclosing heated spaces in existing basements
- Adding a story to an existing one-story house
- When fire or storm damage exceeds 50% of the structure or repair to load bearing walls

or foundations at the discretion of the Building Official

The building official may waive any portion of the above requirements or may, at his/her discretion, have additional requirements, such as requiring engineer sealed drawings.

## SECTION 106 –PERMITS

### 106.1 -ACTION ON APPLICATION

106.1.1 Action on Permits. The Building Official shall act upon an application for a permit with drawings and specifications as filed, or as amended, without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in an application for permit and the drawings and specifications filed therewith conform to the requirements of this Code and other pertinent county codes and ordinances, he shall issue a permit therefore to the applicant.

106.1.2 Refusal to Issue Permits. If the application for a permit and the drawings and specifications filed therewith describe work which does not conform to the requirements of this Code or other pertinent county codes or ordinances, the Building Official shall not issue a permit. Such refusal shall be in writing and be made electronically if the application was submitted electronically, and shall contain the reasons therefore.

### 106.2 -CONTRACTORS LICENSE

It shall be the duty of *every* contractor or builder, who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every contractor or builder making such contracts and subletting the same, to provide evidence of their Homebuilder License for residential construction or a State of Alabama General Contractor License for commercial construction. In addition, the contractor or builder shall show proof of a Jefferson County Business License.

### 106.3 -CONDITIONS OF THE PERMIT

#### 106.3.1 PERMIT INTENT

A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this Code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in drawings or in construction or of violations of this Code. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided, that for cause, one extension for a period not to exceed six (6) months can be granted. Where work is on-going, extensions of time for a period not exceeding six (6) months each may be allowed in writing by the Building Official. However, the maximum number of extensions shall not exceed three (a total of 18 months). Work permitted under the initial permit shall be commenced within a two (2) year period. Work not completed within a two and one-half (2 1/2) year period shall require a new permit. Cost of the

new permit shall be based upon the amount required to complete the project.

#### 106.3.2 SPECIAL PERMITS

Whenever a building has been condemned as a public nuisance by resolution of the county commission, no building or moving permit shall be issued, nor shall any building permit be valid unless approved by resolution of the county commission. Authorized repair permits for buildings condemned by the county commission must be obtained within seven (7) days of approval and shall become invalid unless the structure is secured and weeds and trash are removed from the premises within ten (10) days of permit issuance and substantial repair is commenced within thirty (30) days of permit issuance. The permit shall also become invalid if work is abandoned for any thirty (30) day period.

#### 106.3.3 -PERMITS NOT TRANSFERABLE

A permit is not transferable to any person, firm, or corporation to any other person, firm, or corporation.

#### 106.4 -DRAWINGS TO BE KEPT AT SITE

When the Building Official issues a permit, he shall stamp both sets of drawings "Reviewed." One set of drawings shall be retained by the Building Official and the other set shall be returned to the applicant. The stamped drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his authorized representative. Where electronic drawings are submitted, an approved locked drawing will be returned with the permit.

#### 106.5 -POSTING OF PERMIT

Work requiring a building permit shall not commence until the permit holder or his agent posts the building permit card in a conspicuous place on the front of the premises. The position shall be protected from the weather and located in such position as to permit the Building Official to conveniently make the required entries thereon. For new construction or where there is not a suitable place to post the document, a construction document box shall be used not to exceed thirty-six (36) inches in any dimension. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy is issued by the Building Official.

#### 106.6 -PERMITS ISSUED UPON AFFIDAVITS

Whenever a permit is to be issued in reliance upon an affidavit as provided in 105.6.2 and 105.6.3 or whenever the work to be covered by a permit involves construction under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or made the drawings or computations shall supervise such work, be responsible for its conformity with the filed drawings, and forthwith upon its completion make and file with the Building Official a Certificate-of-Completion that the work has been done in conformity with the filed drawings and with all the applicable provisions of this Code. The architect or engineer shall state in the Certificate-of-Completion that he assumes full



responsibility for compliance with all provisions of this Code and all other pertinent county ordinances and codes. In the event such architect or engineer is not available, the owner shall employ in his stead an architect or engineer who shall make said certification.

#### 106.7 -FOUNDATION PERMITS

When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundations of such building. The holder of such a special permit shall proceed at his own risk and without assurance that a permit for the superstructure will be granted.

### SECTION 107 –FEES

#### 107.1 -PRESCRIBED FEES

A permit shall not be issued until the fees prescribed in this section have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, has been paid. All additional fees incurred during construction for a particular property must be paid by the contractor prior to release of the utilities or the certificate of occupancy.

#### 107.2 -WORK COMMENCING BEFORE PERMIT ISSUANCE

Where work for which a permit is required by this Code is started or proceeded with, prior to obtaining the necessary permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

#### 107.3 –ACCOUNTING

The Building Official shall keep an accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, the date and the amount thereof. Such accounting records shall be maintained for a minimum period of seven (7) years in accordance with state law.

#### 107.4 -SCHEDULE OF PERMIT FEES

On all buildings, structures or alterations requiring a building permit, as set forth in Section 105, fees shall be paid as required at the time of filing application, in accordance with the following schedule:

##### 107.4.1 Building Permit

NOTE: Minimum Permit Fee-\$50.00

107.4.1.1. For a valuation up to and including \$5,000.00, the fee shall be \$50.00.

107.4.1.2. For a valuation over \$5,000.00, the fee shall be \$9.00 per thousand or fraction hereof.

107.4.2 Mobile Homes. For the placement of any mobile home the fee shall be \$75.

107.4.3. Moving of Buildings or Structures. For the moving of any building or structure the moving permit fee shall be \$ 100.00. (Does not include mobile homes.)

107.4.4 Demolition of Buildings or Structures. For the demolition of any building or structure, the permit fee shall be \$9.00 per thousand or fraction thereof. There shall be a minimum fee of \$100.00.

107.4.5 Temporary Carnival, the permit fee shall be \$100.00.

107.4.6 Sign Erection. To erect a sign, the permit fee shall be \$9.00 per thousand or fraction thereof of the valuation subject to a minimum permit fee of \$50.00.

107.4.7 Gasoline Dispenser Installation. To install a gasoline dispenser, the minimum permit fee shall be \$50.00 for the first dispenser. Each additional dispenser shall be \$25.00 each.

107.4.8 Application Submittal and Architectural Plan Review Fee \$100, included in permit fee.

107.4.9 Inspection:

    Incomplete or failed inspections .....\$55.00

    After Hours inspections fee:

        Up to 4 hours .....\$300.00

        Each additional hour.....\$75.00

## 107.5 -BUILDING PERMIT VALUATIONS

If, in the opinion of the Building Official, the valuation of building alteration, or structure appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimated cost to meet the approval of the Building Official. Permit valuations shall include total cost, such as plumbing, electrical, mechanical equipment and other systems. A current building valuation chart provided by the International Code Council shall be utilized to determine these costs.

## 107.6 -FEES, HOW PAID

All fees for permits and inspections required under this Code shall be paid to the office of the Development Services, in the Birmingham Courthouse or electronically.

## 107.7 -REFUND OF FEES

Refund of fees paid for a building permit can be made if the following conditions have been met:

1. No work has begun under said permit; and
2. The filing by the permit holder of a refund claim with Jefferson County within six (6) months of the date of issuance of said permit.

There shall be an administrative charge of \$50.00 on all refunds.

## SECTION 108 –INSPECTIONS

### 108.1-INSPECTIONS-GENERAL

108.1.1 Existing Building inspections. Before issuing a permit, the Building Official may examine or cause to be examined any building for which an application has been received for permit to enlarge, alter, repair, move, demolish, or change the occupancy. He shall inspect all buildings and structures, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of this Code.

108.1.2 Manufacturers and Fabricators. When deemed necessary by the Building Official, he shall make an inspection of materials or assemblies at the point of manufacture or fabrication. He shall make a record of every such examination and inspection and of all violations of this Code.

108.1.3 Inspection Service. The Building Official may make, or cause to be made, the inspections called for by these requirements. He may accept reports of inspectors of recognized inspection services provided that after investigation he is satisfied as to their qualifications and reliability. No certificate called for by any provision of these requirements shall be based on such reports unless the same are in writing and certified by a responsible officer of such service.

### 108.2 -INSPECTIONS REQUIRED

108.2.1 Inspections Prior To Issuance of Certificate. The Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building or structure upon completion, prior to the issuance of the Certificate of Occupancy, as required in Section 109.

108.2.2 Required inspections. The Building Official upon notification from the permit holder or his agent shall make the following inspections of buildings and such other inspections as may be necessary, and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent of any violations to comply with this Code:

1. Foundation inspection: To be made after trenches are excavated and forms erected.
2. Foundation Dampproofing: To be made after dampproofing material applied, protection board installed, drain tile installed, gravel placed over drain tile and after filter material placed over gravel.
3. Slab Inspection: To be made after ground preparation complete, slag and reinforcement in

place if warranted, rough plumbing and electrical work in slab inspected and vapor barrier in place.

4. Frame Inspection: To be made after the roof, all framing, fire-blocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete and inspected. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
5. Final Inspection: To be made after the building is complete and ready for occupancy.

108.2.3 Other Inspections: In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Code and other laws that are enforced by this Department.

108.2.4 Inspection Requests: It shall be the duty of the permit holder or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that is required by this Code.

108.2.5 Written Approval. Work shall not be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the foregoing five inspections.

108.2.6 Reinforcing Steel and Structural Frames. Reinforcing steel or structural frame work of any building or structure shall not be covered or concealed in any manner whatsoever without first obtaining the approval of the Building Official.

## SECTION 109 -CERTIFICATE OF OCCUPANCY

### 109.1 -BUILDING OCCUPANCY

A new building or an addition to an existing building shall not be occupied or a change be made in occupancy or the nature or the use of a building or part of a building until after the Building Official has issued a Certificate of Occupancy therefore. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of this jurisdiction. The owner shall not place, or permit to be placed, on any floor of a building a greater load than the safe load so determined and posted.

### 109.2 -ISSUING CERTIFICATE OF OCCUPANCY

Upon completion of a building erected in accordance with approved plans, and after all final inspections are made, the Building Official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, the allowable load per square foot for each floor in accordance with the provisions of this Code, the building permit number, type of construction as defined in chapter 6 of the International Building

Code, the address of the structure and the name of the Building Official.

### 109.3 –TEMPORARY/PARTIAL OCCUPANCY.

The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by permit, provided that such portion or portions of a building shall be safely occupied. The Building Official shall set a time period during which the temporary certificate of occupancy is valid, but shall not be for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

### 109.4 -REVOCATION.

The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any provision of this Code.

## SECTION 110 -BOARD OF ADJUSTMENTS AND APPEALS

### 110.1 -APPOINTMENT

There is hereby established a board to be called the Building Code Board of Adjustments and Appeals, which shall consist of five (5) members, who shall be qualified by experience and training to pass on matters pertaining to building construction. One member shall be a practicing architect, one member shall be a lawyer, two members shall be competent builders, and one member shall be an engineer, each of whom shall have had at least ten (10) years experience in his respective field. The said board shall be appointed by the Jefferson County Commission and the Jefferson County Commission may replace any member at any time and without notice. No member of the board shall receive any compensation for his services as such. The Building Official shall be an ex officio member.

### 110.2 -TERM OF OFFICE

Appointments to the Board of Adjustments and Appeals shall be staggered terms of four years. The initial appointments shall be: Three years for the Lawyer and licensed Home Builder, two years for the Architect and General Contractor, and one year for the Engineer. All appointments thereafter shall be for the full 4-year term. In the case of an unexpired term, vacancies shall be filled for the unexpired period of that term and other vacancies shall be filled for the full term. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Jefferson County Commission, render any such member liable to immediate removal from office.

### 110.3 -QUORUM

Three members of the board shall constitute a quorum. In varying the application of any provisions of this Code or in modifying an order of the Building Official, affirmative votes of the majority

present, but not less than three affirmative votes shall be required. No board member shall act in a case in which he has a personal interest.

#### 110.4 -RECORDS

The Building Official shall act as Secretary of the Board of Adjustments and Appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

#### 110.5 -PROCEDURE

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, or in any event, the board shall meet within twenty (20) days after notice of appeal has been received.

### SECTION III –APPEALS

#### 111.1 -TIME LIMIT

111.1.1 General. Whenever the Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of this Code do not apply or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the Building Official to the Board of Adjustments and Appeals. Notice of appeal shall be in writing and filed within twenty (20) days after the decision is rendered by the Building Official. A fee of \$50.00 shall accompany such notice of appeal.

111.1.2 Unsafe or Dangerous Buildings. In case of a building or structure which, in the opinion of the Building Official, is unsafe or dangerous, the Building Official, may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Building Official.

### SECTION I 12-DECISIONS OF THE BOARD OF ADJUSTMENT AND APPEALS

#### 112.1 -VARIATIONS AND MODIFICATIONS

112.1.1 Variances. The Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or public interest, or when, in its opinion the interpretation of the Building Official should be modified or reversed.

112.1.2 Condition of Variance. A decision of the Board of Adjustments and Appeals to vary the application of any provision of this Code or to modify an order of the Building Official shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefore.

## 112.2 -DECISIONS

112.2.1 Decisions Are Final. Every decision of the Board of Adjustments and Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Building Official, and shall be open to public inspection; a 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.

112.2.2 Action by Board. The Board of Adjustments and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay.

112.2.3 Action by Building Official. If a decision of the Board of Adjustments and Appeals reverses or modifies a refusal, order, or disallowance of the Building Official, or varies the application of any provision of this Code, the Building Official shall immediately take action in accordance with such decision.

## SECTION 113 -VIOLATIONS AND PENALTIES

Any person, firm or corporation violating any provision of this Code or failing to comply with any of the provisions of this Code after ten (10) days written notice from the Director of Development Services shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or thirty (30) days in jail, or both, and a penalty of fifty dollars (\$50.00) per day, each day during the continuance of the violation.

## SECTION 114 -VALIDITY

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

Delete Table R301.2 (1) in its entirety to include footnotes and substitute the following:

### TABLE R301.2 (1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD: 5  
WIND DESIGN: (a) Speed (mph): 115V *mph/51/m/s*  
SEISMIC DESIGN CATEGORY: B  
SUBJECT TO DAMAGE FROM: (a) Weathering: M  
(b) Frost line depth: 12"  
(c) Tennite: VH

WINTER DESIGN TEMP: 21 Degree F  
 ICE BARRIER UNDERLAYMENT REQUIRED: NO  
 AIR FREEZING INDEX: S500  
 MEAN ANNUAL TEMP: 60 Degree F

Add Exception 6 to Section 302.1 in the "2018 Edition of the International Residential Code."

Exceptions:

6. Fire resistance separation shall not be required between a dwelling and its detached private garage.

### SECTION R302.2 –TOWNHOUSES

Delete the following: Electrical installations shall be in accordance with Chapters 34 through 43 of the "2018 Edition of the International Residential Code" and substitute the following:

Electrical installations shall be installed according to the 2017 Electrical Code of Jefferson County.

Add Subsection R302.2.5 to Section R302.2 in the "2018 Edition of the International Residential Code."

R302.2.7 Each townhouse shall be served by its own individual water service line, gas service line, electrical service line, sewer line, telephone line and cablevision line, and none of these lines, utilities or facilities shall cross over, under or through any adjoining townhouse and/or attached unit and no such line, utility or facility shall cross any property line separating such townhouses or units except as provided for in this code. Exception: Electrical service lines, telephone lines and cablevision lines shall be permitted to be placed across property lines separating townhouses or units provided:

1. All conductors, cables and lines shall originate at a point separate and independent of the exterior wall of any townhouse or group of units, and
2. Any conductor, cable or line shall not cross over or through any adjoining townhouse and/or attached unit, and
3. Any conductor, cable or line shall be installed as follows:
  - (a.) Any electric conductor for individual units shall be placed in its separate schedule 80 conduit from point of origin to service equipment located in each individual unit, and said conduit shall be sized to provide for a 25% future increase in conductor ampacity over the initial conductor ampacity required, and
  - (b.) Any telephone or cablevision conductor, cable or line for individual units shall be placed in its separate schedule 40 PVC conduit from point of origin to each individual unit and said conduit shall be sized for anticipated future requirements over the current needs, and



- (c.) Such conduits shall be installed under not less than two (2) inches of concrete beneath each unit or buried a minimum of eighteen (18) inches if under crawl spaces.
- (d.) All plans, recordable plots, sales contracts, and deeds shall identify the location and widths of easements set forth to accommodate conduits.

#### TABLE R302.6 DWELLING-GARAGE SEPARATION

Option: In lieu of Type X Sheetrock and/or Sprinkler system @ Basement Garage and Crawl Space ONLY, an approved Heat Detector hard wired in line with approved Smoke Detector plus approved Carbon Monoxide Detector with battery backups may be used.

#### SECTION R312.1.1

Replace with the same section in the 2015 International Residential Code.

#### SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

This section is left in the 2018 International Residential Code but provided as optional to the contractor. Should they elect to install an Automatic Fire Sprinkler System, where installed, automatic residential fire sprinkler systems shall be installed in accordance with section P2904 or National Fire Protection Association 13D.

#### TABLES R403.1(1); R403.1(2) AND R403.1(3)

Replace with the same Tables in the 2015 International Residential Code.

**NI102.2.8 Slab-on -grade Floors.** Section deleted.

**NII03.2.1 Programmable Thermostats.** Section deleted.

**NI103.2.1 Insulation.** All ducts not in a conditioned space shall be insulated to a minimum of R-6. All supply ducts in the attic shall be insulated to a minimum of R-8.

**Exception:** Ducts or portions thereof located completely inside the building thermal envelope.

#### International Residential Code, Chapter 16, DUCT SYSTEMS

Delete Section M 1601.4.1 in its entirety and replace with the following to comply with State Residential Energy Code:

**M 1601.4.1 Joints and Seams.** Joints of duct systems shall be made substantially airtight by means of tapes, mastics, liquid sealants, gasketing or other approved closure systems. Closure systems used with rigid fibrous glass ducts shall comply with ULI81A and shall be marked 181A-P for pressure-sensitive tape, 181A-M for mastic or 181 A-H for heat-sensitive type. Closure systems used with flexible air ducts and flexible air connectors shall

comply with UL 181 B and shall be marked 181 B-FX for pressure sensitive tape or 181 B-M for mastic. All metal to metal connections shall be mechanically fastened. All duct connections shall be sealed. Mechanical fasteners for use with flexible nonmetallic air ducts shall comply with UL181B and shall be marked 181B-C. Crimp joints for round metal ducts shall have a contact lap of at least 1-1/2 inches (38 mm) and shall be mechanically fastened by means of at least three sheet-metal screws or rivets equally spaced around the joint. Closure systems used to seal metal ductwork shall be installed in accordance with the manufacturer's installation instructions.

The following new section is added to Chapter 16 Duct Systems

**MI601.4.1.1 Duct Leakage.** Leakage of ducts to unconditioned space shall be less than or equal to 8 cfm (226.5 L/min) per 100 sq. ft. (9.29 sq. m.) of conditioned floor area or a total leakage less than or equal to 12 cfm (12 L/min ) per 100 sq. ft. (9.29 sq. m.) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer' s air handler space.

**Exception:** Duct tightness test is not required if air handler and all ducts are located within the conditioned space.

**Delete Sections 2701 and 2702 in Chapter 27 of the "2018 Edition of the International Building Code" and substitute in lieu thereof the following Section 2701.**

Section 2701 -General

2701.1 Scope. This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical equipment, components and systems shall be designed and constructed in accordance with the provisions of the 2017 Electrical Code of Jefferson County, Alabama.

Delete Section 3303 in Chapter 33 of the "2018 Edition of the International Building Code" and substitute in lieu thereof the following Section 3303.

TABLE 1607.1

Note: Residential Decks and Balconies to be constructed at 40 psf live load.

## SECTION 3303 -MOVING OF BUILDINGS AND DEMOLITION OF BUILDINGS

### 3303.1 -GENERAL

No building or part of any building shall be moved through or across any sidewalk, street, alley or highway, or be wrecked, demolished or otherwise tom down within any area described in 101.3.1 without first obtaining a permit from the Building Official. The Building Official shall set forth in the moving permit the route to be taken, the limit of time in which to effect the move and the type of escort required.

### 3303.2 -WRITTEN APPLICATION

3303.2.1 To Move A Building. Any person desiring to move a building shall first file with the Building Official a written application setting forth the following information:

1. Type and kind of building to be moved.
2. The original cost of such building.
3. The extreme dimensions of the length, height and width of the building.
4. Its present location and proposed new location by street numbers, and by metes and bounds or if subdivided, by lot, block and subdivision.
5. The approximate time such building will be upon the streets or highways and the exact route that will be taken from present to new location.
6. Information showing the availability of public liability coverage to the extent hereinafter required.

3303.2.2 To Demolish A Building. Any person desiring to wreck, demolish or otherwise tear down a building shall first file with the Building Official a written application setting forth the following information:

1. Type and kind of building to be wrecked, demolished or otherwise tom down.
2. Extreme dimensions of the length, height and width of the building.
3. Its present location by street numbers, and by metes and bounds or if subdivided, by lot, block or subdivision.
4. The present location of the building with relation to streets, sidewalks and other adjacent public ways.
5. Information showing the availability of public liability coverage to the extent hereinafter required.

### 3303.3 -DISCONNECTION OF SEWERS AND UTILITIES

3303.3.1 To Move A Building. No work shall be commenced to prepare any building for moving until all utilities have been disconnected by the respective utility companies and no work shall be accomplished except that work necessary to raise and load the building on house moving equipment until the building sewer has been plugged, inspected and approved. In no case shall the building drain be disconnected or broken in such manner as to allow dirt, debris or surface water to enter the sewer system of Jefferson County.

3303.3.2 To Demolish A Building. No work shall be commenced to demolish any building or structure until all utilities have been disconnected by the respective utility companies and the building sewer plugged, inspected and approved by the Jefferson County Environmental Services Department. Except, that when it can be proved to the Jefferson County Environmental Services Department that the plugging of the sewer is not possible or feasible prior to beginning work, written permission may be given to proceed with the demolition work in such manner and under such provisions as may be determined to be necessary to properly protect the sewer system of Jefferson County.

#### 3303.4 -BUILDING OFFICIAL SHALL REJECT WHEN

If, in the opinion of the Building Official, the moving of any building will cause serious injury to persons or property, or serious injury to the streets or other public improvements, or the building to be moved has deteriorated more than twenty-five percent of its original value by fire or other element, or the moving of the building will violate any of the requirements of this Code or of the Zoning Regulations of the County, the permit shall not be issued; and the building shall not be moved over the streets or highways of Jefferson County. Any building being moved for which permit was granted shall not be allowed to remain in or on the streets or highways of the County for more than six (6) hours in any twenty-four (24) hour period.

#### 3303.5 -BOND REQUIRED

3303.5.1 To Move A Building. The Building Official, as a condition precedent to the issuance of a permit to move a building, shall require a bond in the amount of Five Thousand Dollars (\$5,000.00) to be executed by the applicant desiring such removal permit with a corporate surety authorized to engage in the business of writing security bonds in the State of Alabama. Such bond shall name Jefferson County as obligee and shall indemnify the County against any damage to street, curbs, sidewalks, shade trees, highways, sewers, and any other County property which may be affected by the moving of the building. Such surety bond shall also be conditioned upon and liable for the strict compliance with the terms of said permit as to the route to be taken and limit of time in which to effect such removal and to clear the lot on which the building was situated of all debris occasioned by its removal, and to repair or compensate for the repair of any damage to County property or public improvements, and to pay said County as liquidated damages the amount of Fifty Dollars (\$50.00) for each and every twenty-four hour period such building remains upon a public street in excess of six (6) hours and provided further that the Building Official may require of the principal an increase in the amount of any such bond whenever, in his opinion, additional security is required to protect the County.

3303 .5.2 To Demolish A Building. The Building Official, as a condition precedent to the issuance of a permit to wreck, demolish or otherwise tear down a building, shall require a bond in the amount of Five Thousand Dollars (\$5,000.00) to be executed by the applicant desiring such demolition permit with a corporate surety authorized to engage in the business of writing surety bonds in the State of Alabama. Such bonds shall name as obligee the County and shall indemnify the County against any damage to streets, curbs, sidewalks, shade trees, highways, sewers, and any other County property which may be affected by the demolition of such buildings. Such security bond

shall also be conditioned upon and liable for strict compliance with the terms of said permit as to the time in which to affect such demolition, and to repair or compensate for the repair of any damage to County property or public improvements, and in clearing all public streets, alleys and highways, and in cleaning and clearing the lot on which the building was demolished, of all debris occasioned thereby; provided, however, that in lieu of a separate bond for each such permit, a bond conditioned as above provided and issued by a corporate surety authorized to write surety bonds in the State of Alabama to cover all such permits issued to the principal named therein during the time such bond remains in force and effect; and provided further that the amount of such bond shall at all times be in an amount which is not less than Five Thousand Dollars (\$5 ,000.00) multiplied by the number of such permits issued to said principal within the immediately preceding thirty (30) days; and provided further that the Building Official may require of the principal an increase in the amount of any such bond whenever, in his opinion, additional security is required to protect the County.

### 3303.6 -PUBLIC SAFETY REQUIREMENTS

3303.6.1 Lights Required. Every building which occupies any portion of public property after sundown shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

3303.6.2 Number and Location of Lights. There shall be a minimum of five (5) red lights placed on each street side of the building; such red lights shall be attached to the building in such a fashion as to indicate extreme width, height and size.

3303.6.3 Escort Flagmen Required. When a building is moved between sunset and sunrise, or when, in the opinion of the Building Official, flagmen are necessary to divert or caution traffic, the person, firm, or corporation moving such building shall employ at their expense two flagmen, one of which must be a deputy sheriff in uniform having full police power within Jefferson County. The flagmen must be stationed at the intersections immediately ahead of and behind the building. The flagmen shall remain at these intersections diverting and cautioning traffic until move is completed. Red lights shall be employed in flagging traffic at night.

3303.6.4 Reports Required. The person, firm or corporation having completed the moving of a building is hereby required to report the completed move to the Building Official by 10 A.M. on the morning after the building is moved or if the Building Official's office is closed, by 10 A.M. on the next date the Building Official's office is open. The report must properly identify the building, the time it entered the streets or highways of Jefferson County, and the time it was placed on the lot or reached the county limits of Jefferson County. Said report shall indicate any and all damages as a result of the moving of the building. It shall be required that this report be confirmed in writing, on forms furnished by the Building Official, within not more than 48 hours after the report is given to the Building Official as herein required, and it shall be duly signed by the person, firm or corporation who moved the building and the deputy sheriff in uniform who escorted the move.

3303.6.5 Duties of Police Escort. It shall be the duty of the deputy sheriff in uniform who escorts any house moved through the streets or highways of Jefferson County, to first determine that the person, firm or corporation moving the building has been issued a valid moving permit to move

said building, and that it is being moved along the route designated in said permit and that it is being moved within the time limit stipulated on said permit.

**3303.6.6 Liability Insurance Required.** Anything herein to the contrary notwithstanding, no work shall be performed under a permit to move a building, or a permit to wreck, demolish or otherwise tear down a building, during any period of time when there is not in full force and effect a public liability insurance policy written by an insurance company authorized to write policies of liability insurance in the State of Alabama, covering the applicant, and the applicant's servants, agents and employees, with minimum coverage of Fifty Thousand Dollars (\$50,000.00) for property damage and One Hundred Thousand dollars (\$100,000.00) for personal injury or death of one person and with Three Hundred Thousand Dollars (\$300,000.00) as liability coverage resulting from anyone accident. The applicant shall deliver to the Building Official, prior to beginning of any work under any such permit, a Certificate of Insurance showing the existence of such coverage, which Certificate shall contain a provision that the insurance coverage shall not be cancelled without at least five (5) days prior notice thereof being given by the insurance company to the Building Official.

Exception: Property owners who demolish buildings on their property are not required to have liability insurance.

### 3303.7 -LOT PREPARATION

Where a building or structure has been demolished or removed from any lot, it shall be the responsibility of the holder of the demolition or house move permit to repair the lot to a safe and sanitary condition. These repairs shall meet the approval of the Building Official or his agents, and shall include, but not be limited to, the following:

1. Remove all organic material, trash and weeds from the premises.
2. All basements, cavities, pits or other similar conditions shall be filled with In-organic material. All such fill material shall have a minimum cover of 8 inches of earth.
3. All concrete slabs shall be removed and the lot shall be graded to a reasonably smooth finish and filled so that no surface water will stand.

### 3303.8 -IMPROVEMENTS BY OWNER

The owner of any house, building, or structure proposed to be moved shall make all necessary improvements required in order for said house, building or structure to comply with the requirements of the building code and other applicable county codes within 90 days from the date of issuance of the moving permit. Extensions of such time as deemed reasonable may be granted by the Building Official upon a showing of delay caused by matters beyond the control of the owner and/or house mover. The application for the moving permit shall be accompanied by an application for a building permit, accompanied by complete plans and specifications showing the changes and/or conditions of said house, building, or structure as the same is proposed to be when moving, and all contemplated improvements, signed by the owner or the owner's agent. The building permit

shall be issued prior to issuance of the moving permit.

#### SECTION 3401-ALTERATIONS AND REPAIRS

3401.1 If the cost of alterations or repairs to an existing building exceed fifty (50) percent of the then physical value of the building, such building shall be made to conform to the requirements of this Code for new buildings.

3401.2 If an existing building is damaged by fire or otherwise damaged in excess of fifty (50) percent of its then physical value before such damage occurred, it shall be made to conform to the requirements of this Code for new buildings.

3401.3 If the cost of such alterations or repairs within any twelve (12) month period or amount of such damage as referred to in 3401.2 is more than twenty-five (25) percent but not more than fifty (50) percent of the then physical value of the building, the portion to be altered or repaired shall be made to conform to the requirements of this code for new buildings to such extent as the Building Official may determine.

3401.4 For the purpose of this section, physical value of the building shall be determined by the Building Official.

3401.5 If the occupancy of an existing building is changed, the building shall be made to conform to the requirements of this Code for the new occupancy. The building must be altered to meet the requirements of this Code for new buildings. If only a portion of the existing building is changed that portion must be separated from the remainder of the building in accordance with separation requirements of Table 707.3.10 as well as requirements in other Sections of the Code that pertain to mixed occupancies in buildings.

3401.6 Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Code or in such a manner as will not extend or increase an existing non-conformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty-five (25) percent of the roof covering of a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform to the requirements of this Code for new buildings.

#### 2015 INTERNATIONAL EXISTING BUILDING CODE

The 2015 International Existing Building Code is herein adopted by reference into this code. All work permitted to be performed under this Existing Building Code will be in compliance of all other codes adopted by Jefferson County except specific sections indicated within this code. All fees will be according to the fee schedules indicated elsewhere in the Jefferson County Codes. It shall be the responsibility of the permitting entity to determine with the Jefferson County Director of Development Services the scope of the work involved and whether a change of occupancy will be determined and therefore which code sections will be applicable for this work prior to obtaining permits for construction.