

RESOLUTION NO. 2015-002

BE IT RESOLVED by the City Council of the City of Mountain Brook that, at the meeting of the City Council to be held on Monday, February 9, 2015 at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall, the City Council will hold a public hearing regarding the adoption of an ordinance repealing Sections 109-31, 109-32, 109-195, 109-227, and 18-20 of the City Code and adopting 2015 versions of specified technical codes relating to inspection activities, enforcement of building provisions as provided in said codes and fire prevention.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook that the City Clerk be, and he hereby is, authorized and directed to publish in accordance with applicable state law, by posting in four (4) conspicuous places within the City of Mountain Brook, as follows: City Hall, 56 Church Street, Gilchrist Drug Company, 2805 Cahaba Road, Overton Park, 3020 Overton Road, and The Invitation Place, 3150 Overton Road, a notice in words and figures substantially as follows:

“ZONING NOTICE

Notice is hereby given that at a regular meeting of the City Council of the City of Mountain Brook to be held on Monday, February 9, 2015, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall located at 56 Church Street, Mountain Brook, Alabama 35213, the City Council will hold a public hearing regarding a proposal that the City Council adopt an ordinance in words and figures substantially as follows:

‘ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTIONS 109-31, 109-32, 109-195, 109-227, AND 18-20 OF THE CITY CODE AND ADOPTING 2015 VERSIONS OF SPECIFIED TECHNICAL CODES RELATING TO INSPECTION ACTIVITIES, ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN SAID CODES AND FIRE PREVENTION

WHEREAS, the City Council of the City of Mountain Brook, Alabama (the “City Council”) heretofore has adopted various technical codes promulgated by the International Code Council (the “ICC”) and the National Fire Protection Association relating to buildings, residences and other structures in the City of Mountain Brook (the “City”), and operations in the City concerning fuel gas, mechanical, plumbing, and fire protection and life safety (collectively, the “Technical Codes”);

WHEREAS, the City Council desires that, except to the extent specified herein, the City adopt, the 2015 versions of the Technical Codes (the “2015 Technical Codes”) that are specified herein for use and application for buildings and structures within its corporate limits;

WHEREAS, the adoption of the 2015 Technical Codes by reference is authorized by §11-45-8 Code of Alabama (1975); and

WHEREAS, the adoption of the 2015 Technical Codes will facilitate the performance of inspection activities by the City, and promote the public safety, health and general welfare of its citizens and owners, occupants and users of buildings and structures in the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City as follows:

Section 1. Section 109-31 of the City Code is hereby repealed and replaced with the following:

2015-002

“Sec. 109-31. Building Codes—Adoption by reference.

(a) Except as provided herein, the International Building Code - 2015 Edition (“ICC Building Code”) and International Residential Code - 2015 Edition (the “IRC”), both published by the ICC and available for purchase at 900 Montclair Road, Birmingham, Alabama, are hereby adopted as the Building Code of the City by reference as though they were copied herein.

(b) With respect to the ICC Building Code and the IRC, the City modifies the forms proposed by the ICC as follows:

(i) Section [A]101.4. of ICC Building Code - Referenced codes: The following codes that are referenced in this Section of the ICC Building Code are not adopted: (a) the International Property Maintenance Code referenced in Section 101.4.4; and (b) the International Existing Building Code referenced in Section 101.4.7.

(ii) Section [A] 109.2 of ICC Building Code & Section R108.2 of IRC – Schedule of Permit Fees: These Sections are not adopted in the form proposed by the ICC, and are replaced in their entirety with the following:

Schedule of Permit Fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee or fees as set forth in City Code Section 14-1 shall be paid at the time of filing application, in accordance with such fee schedule as shall be set from time to time by the city council. A list of such fees shall be kept on file in the city clerk’s office.

(iii) Sections [A] 111.1 of ICC Building Code & R110.1 of IRC – Use and Occupancy. These Sections are not adopted in the form proposed by the ICC, and are replaced in their entirety with the following:

“Use and occupancy. No residential building or structure shall be used or occupied, and no change in the existing occupancy classification of a residential building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy which has been signed by the building official and the City Manager. No commercial building or structure shall be used or occupied, and no change in the existing occupancy classification of a commercial building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy which has been signed by the building official, the fire official, and the City Manager. A certificate of occupancy shall not be issued until after the City Manager shall have determined that the building conforms to all provisions and regulations of the city with respect thereto, including its use under the zoning ordinances of the city. A certificate of occupancy (whether a temporary certificate of the regular certificate) issued without the signature or the building

official, fire official (in the case of commercial buildings), and the City Manager shall not be deemed to be a certificate of occupancy issued under this code or under the city's zoning ordinance.

(iv) Sections [A] 113 of ICC Building Code & R112 of the IRC – Board of Appeals. These Sections are not adopted in the form proposed by the ICC, and are replaced in their entirety with the following:

“Appeals regarding the application of the adopted building codes may be presented to the City Manager for consideration. The City Manager may elect to render a decision on such appeal or remand the appeal to the board of zoning adjustment. In cases where the appeal is heard by the City Manager and a decision is rendered, the appellant, if not satisfied with the decision, may then appeal to the board of zoning adjustment.

The board of zoning adjustment of the City of Mountain Brook, Alabama, as said board is prescribed by Section 11-52-80 Code of Alabama (1975), as amended, shall constitute a board of adjustments and appeals under these codes.”

(v) Sections [A]114.4 of ICC Building Code & R113.4 of IRC- Violation Penalties. These Sections are not adopted in the form proposed by the ICC, and are replaced in their entirety with the following:

R113.4 Violation Penalties. Any person who violates a provision of these codes or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of these codes, shall be subject to penalties as prescribed by law.

In instances where a person commences work prior to making application for a required permit, all applicable permit fees shall be doubled. Once notified in writing by the building official of the City that a report or building permit application must be submitted, such person must submit such report within ten (10) days. Persons who fail to make such report within the time period required shall be subject to additional penalties as provided under Sec. 1-6.1 of the City Code and by §13A-10-4 of the Code of Alabama.

(vi) Chapter 11 of IRC- Energy Efficiency. This Chapter is adopted except as follows: (a) notwithstanding any provisions contained in Chapter 11 or elsewhere in the IRC, the Energy Efficiency requirements in the IRC shall not be applicable to the repair, renovation, alteration or reconstruction of *existing* buildings and structures; and (b) the minimum standards for insulation to be used in connection with the repair, renovation, alteration or

reconstruction of *existing* buildings and structures shall not be less than R-30 for ceiling spaces, R-13 for walls and R-19 for floors.

(vii) Section P2904 of the IRC- Dwelling Unit Fire Sprinkler Systems. This Section is adopted, but the following provision is added as P2904.8.9:

P2904.8.9 Residential Sprinkler Exemption. Notwithstanding any provision in this Section P2904 or elsewhere in the IRC, any homeowner, upon application to the City’s building official, may request an exemption to the sprinkler system requirements of P2904.1 for a dwelling and such exemption shall be granted upon satisfaction of each of the following:

- a. The applicant must either confer with the City Fire Marshal or his or her designee about the benefits of installing a residential fire sprinkler system or review presentation materials developed by the Fire Marshal concerning sprinkler systems;
- b. The applicant must certify that he or she has met the requirements in subsection (a) above, and fully understands and acknowledges the risks of opting not to install a residential fire sprinkler system;

Exceptions:

- i. No exemption shall be granted for any dwelling constructed less than 5 feet from the property line; and
- ii. No exemption shall be granted for 2-family dwelling units.”

Section 2. Section 109-32 of the City Code, which reflected amendments to the previously enacted Section 109-31, is hereby repealed and replaced by the following:

“Sec. 109-32. Same – Amendments - Reserved.”

Section 3. Section 109-195 of the City Code is repealed and replaced with the following:

“Sec. 109-195. Gas and Mechanical Codes—Adoption by reference.

(a) Except as provided herein, the International Fuel Gas Code - 2015 Edition (the “Gas Code”) and International Mechanical Code - 2015 Edition (the “Mechanical Code”), both published by International Code Council (“ICC”) and available for purchase at 900 Montclair Road, Birmingham, Alabama, are hereby adopted as the Gas and Mechanical Code of the City by reference as though they were copied herein.”

(b) With respect to the Gas Code and the Mechanical Code, the City amends the form proposed by the ICC as follows:

(i) Sections [A]106.6.2 of Gas Code & [A]106.5.2 of Mechanical Code – Fee Schedule. These Sections are not adopted in the form proposed by the ICC, and are replaced in their entirety with the following:

“Schedule of Permit Fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee or fees as set forth in City Code Section 14-1 shall be paid at the time of filing application, in accordance with such fee schedule as shall be set from time to time by the city council. A list of such fees shall be kept on file in the city clerk’s office.”

(ii) Sections [A] 108.4 of Gas Code & Mechanical Codes- Violation Penalties. These Sections are not adopted in the form proposed by the ICC, and are replaced in their entirety with the following:

“[A] 108.4 Violation Penalties. Any person who violates a provision of these codes or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

In instances where a person commences work prior to making application for a required permit, all applicable permit fees shall be doubled. Once notified in writing by the building official of the City that a report or building permit application must be submitted, such person must submit such report within ten (10) days. Persons who fail to make such report within the time period required shall be subject to additional penalties as provided under Sec. 1-6.1 of the city code and by §13A-10-4 of the Code of Alabama.”

(iii) Sections 109 of Gas Code & Mechanical Code – Means of Appeals. These Sections in these codes are not adopted in the form proposed by the ICC, and are replaced in their entirety with the following:

“Appeals regarding the application of the adopted building codes may be presented to the City Manager for consideration. The City Manager may elect to render a decision on such appeal or remand the appeal to the board of zoning adjustment. In cases where the appeal is heard by the City Manager and a decision is rendered, the appellant, if not satisfied with the decision, may then appeal to the board of zoning adjustment.

The board of zoning adjustment of the City of Mountain Brook, Alabama, as said board is prescribed by Section 11-52-80 Code of Alabama (1975), as amended, shall constitute a board of adjustments and appeals under these codes.”

Section 4. Section 109-227 of the City Code is repealed and replaced with the following:

“Sec. 109-227. Plumbing Code—Adoption by reference.

(a) Except as provided herein, the International Plumbing Code - 2015 Edition published by International Code Council (“ICC”) (the “Plumbing Code) and available for purchase at 900 Montclair Road, Birmingham, Alabama, is hereby adopted as the Plumbing Code of the City by reference as though it were copied herein.

(b) With respect to the Plumbing Code, the City amends the form proposed by the ICC as follows:

(i) Section [A] 106.6.2 of Plumbing Code – Fee Schedule. This Section is not adopted in the form proposed by the ICC, and is replaced in its entirety with the following:

Schedule of Permit Fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee or fees as set forth in City Code Section 14-1 shall be paid at the time of filing application, in accordance with such fee schedule as shall be set from time to time by the city council. A list of such fees shall be kept on file in the city clerk’s office.

(ii) Section [A] 108.4 of Plumbing Code - Violation Penalties. This Section is not adopted, and is replaced in its entirety with the following:

[A] 108.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

In instances where a person commences work prior to making application for a required permit, all applicable permit fees shall be doubled. Once notified in writing by the building official of the City that a report or building permit application must be submitted, such person must submit such report within ten (10) days. Persons who fail to make such report within the time period required shall be subject to additional penalties as provided under Sec. 1-6.1 of the City Code and by §13A-10-4 of the Code of Alabama.”

(iii) Section 109 of Plumbing Code - Means of Appeals. This Section is not adopted and is replaced in its entirety with the following:

Appeals regarding the application of the adopted building code

may be presented to the city manager for consideration. The City Manager may elect to render a decision on such appeal or remand the appeal to the board of zoning adjustment. In cases where the appeal is heard by the City Manager and a decision is rendered, the appellant, if not satisfied with the decision, may then appeal to the board of zoning adjustment.

The board of zoning adjustment of the City of Mountain Brook, Alabama, as said board is prescribed by Section 11-52-80 Code of Alabama (1975), as amended, shall constitute a board of adjustments and appeals under this code.”

Section 5. Section 18-20 of the City Code is repealed and replaced with the following:

“Sec. 18-20. Fire Prevention Code - Adoption by reference

(a) Except as provided herein, the International Fire Code - 2015 Edition published by the International Code Council (“ICC”) and available for purchase at 900 Montclair Road, Birmingham, Alabama (the “Fire Code”), and the Life Safety Code (NFPA 101) - 2015 Edition, available for purchase from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA, or by calling (800) 344-3555 (the “Life Safety Code”), are hereby adopted as the Fire Prevention Code of the City by reference as though they were copied herein.

(b) With respect to the Fire Code, the City amends the form proposed by the ICC as follows:

(i) Section 108 – Board of Appeals. This Section of the Fire Code is not adopted and is replaced in its entirety with the following:

Appeals regarding the application of the adopted code may be presented to the city manager for consideration. The city manager may elect to render a decision on such appeal or remand the appeal to the board of zoning adjustment. In cases where the appeal is heard by the city manager and a decision is rendered, the appellant, if not satisfied with the decision, may then appeal to the board of zoning adjustment.

The board of zoning adjustment of the City of Mountain Brook, Alabama, as said board is prescribed by Section 11-52-80 Code of Alabama (1975), as amended, shall constitute a board of adjustments and appeals under this code.

(ii) Section [A] 109.4 - Violation Penalties. This Section of the Fire Code is not adopted and is replaced in its entirety with the following:

[A] 109.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a

building or structure in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

In instances where a person commences work prior to making application for a required permit, all applicable permit fees shall be doubled. Once notified in writing by the building or fire official of the City that a report or building permit application must be submitted, such person must submit such report within ten (10) days. Persons who fail to make such report within the time period required shall be subject to additional penalties as provided under Sec. 1-6.1 of the City Code and by §13A-10-4 of the Code of Alabama.”

(iii) Section [A] 113.2 – Schedule of permit fees. This Section of the Fire Code is not adopted, and is replaced in its entirety with the following:

Schedule of Permit Fees. On buildings, structures, and other matters under this code that require a permit, a fee or fees as set forth in City Code Section ~~14-1~~ shall be paid at the time of filing application, in accordance with such fee schedule as shall be set from time to time by the City Council. A list of such fees shall be kept on file in the City Clerk’s office.

(iv) Section 912.2 – Location (of Fire Department Connections). This Section of the Fire Code is not adopted, and is replaced in its entirety with the following:

9.1.2.2 Location. Fire department connections shall be located not more than 100 feet from the nearest fire hydrant. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that the fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the department connections shall be *approved* by the fire chief or fire official.

(v) Adoption of Certain Appendices: The provisions of Appendix B - Fire-Flow Requirements for Buildings, Appendix C – Fire Hydrant Locations and Distribution, and Appendix D – Fire Apparatus Access Roads each are adopted in their entirety.

(c) With respect to the Life Safety Code, the City amends the form proposed by the National Fire Protection Association as follows:

(i) Chapter 24 – One-and Two Family Dwellings. This Chapter is not adopted.

(ii) Reserved.”

Section 6. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

Section 7. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect, notwithstanding such holding.

Section 8. Any provisions herein that the City has adopted that deviate from the Technical Codes that are adopted by reference shall prevail over any conflicting provision of those Technical Codes. All other ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama, which are inconsistent with the provisions of this ordinance, are hereby expressly repealed.

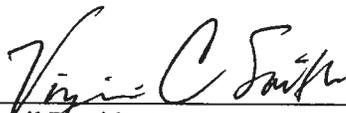
In addition, when a provision in the adopted Technical Codes or this Ordinance refers to the duties of certain named officials, the official of the City of Mountain Brook, Alabama whose duties most closely correspond to those of such named official shall be deemed the official responsible for the enforcement of said provision.

Section 9. The effective date of this Ordinance shall be April 1, 2015.'

BE IT FURTHER RESOLVED that the City Clerk be, and he hereby is, further authorized and directed to give written notice of the hearing to the owners of the property located in whole or in part within 500 feet from the boundaries of the property described in this resolution in the form and manner and within the time required by Act No. 1123 of the 1973 Regular Session of the Legislature of Alabama.

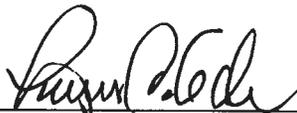
BE IT FURTHER RESOLVED that the City Clerk be, and hereby is, further authorized and directed to post the Notice herein above set out, which includes the proposed ordinance, in four conspicuous places within the City in accordance with applicable state law.

ADOPTED: This 12th day of January, 2015.



Council President

APPROVED: This 12th day of January, 2015.



Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on January 12, 2015, as same appears in the minutes or record of said meeting.

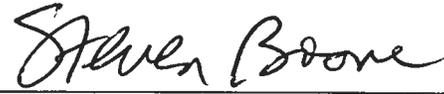
I further certify that copies of the resolution above were posted on January 13, 2015 in four (4) conspicuous places within the City of Mountain Brook, as follows:

City Hall, 56 Church Street

Gilchrist Pharmacy, 2805 Cahaba Road

Overton Park, 3020 Overton Road

The Invitation Place, 3150 Overton Road

A handwritten signature in black ink that reads "Steven Boone". The signature is written in a cursive style with a large, prominent 'S' at the beginning.

City Clerk