

**PRE-MEETING AGENDA  
MOUNTAIN BROOK CITY COUNCIL**

**CITY HALL PRE-COUNCIL ROOM (A106)  
56 CHURCH STREET  
MOUNTAIN BROOK, AL 35213**

**SEPTEMBER 9, 2019 6:00 P.M.**

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1. Mountain Brook Village Parking: prohibit parking on Canterbury Road for Village Employees? (See attached information. This item may be added to the formal agenda.)
2. Repeal 2015 Building Code and adopt 2018 version-Glen Merchant (See attached information.)
3. Feral Cat ordinance amendment (A draft will be distributed to you by our city attorneys.)

## Sam Gaston

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**From:** Suzan Doidge  
**Sent:** Thursday, September 05, 2019 4:32 PM  
**To:** Sam Gaston  
**Cc:** VSchilleci@dfhlaw.com; Tonya Jones  
**Subject:** Fwd: Canterbury Road

Sent from my iPhone

Begin forwarded message:

**From:** Rozetha Burrow <[burrowr@mtnbrook.org](mailto:burrowr@mtnbrook.org)>  
**Date:** September 4, 2019 at 5:20:27 PM CDT  
**To:** Suzan Doidge <[suzan@mtnbrookchamber.org](mailto:suzan@mtnbrookchamber.org)>  
**Subject: Re: Canterbury Road**

Ok thanks and it looks good to me

On Wed, Sep 4, 2019, 17:07 Suzan Doidge

Sam, Officer Burrows and I met with every business on Canterbury Road and discussed the possible change in parking for employees on that street. Everyone we met with was an owner and all seemed to think having an ordinance that prohibits employee or independent contractors from parking on that street was a good idea.

One side of the street has parking behind the business and the other side does not. Several people we spoke to said they walk a block to park in all day parking.

One merchant suggested limiting the parking from 4:00 hour to 3:00. Several brought up the parking space up the street on Montevallo Road . They would like to see it designated for compact cars, not SUV.

Everyone except one business owner seemed open to walking to all day parking. All agreed that something needs to be done about the people that continue to take up Customer parking.

Also noted that Real Estate firms i.e. RealtySouth, LAH, ARC, Ray and Poyner Have caravan every Tuesday at 10:00. On occasion there can be 50-100 cars in the Village for several hours taking up customer parking.

Let me know if you have any questions.

Suzan Doidge

Executive Director

Mountain Brook Chamber of Commerce

101 Hoyt Lane

Mountain Brook, AL 35213

(205) 871-3779

[suzan@mtnbrookchamber.org](mailto:suzan@mtnbrookchamber.org)

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[www.mtnbrookchamber.org](http://www.mtnbrookchamber.org)

Check out the #xploremb tag for local updates!



# Mountain Brook Village

## Legend

- All day MBV
- ◆ Private MBV w LP no OP

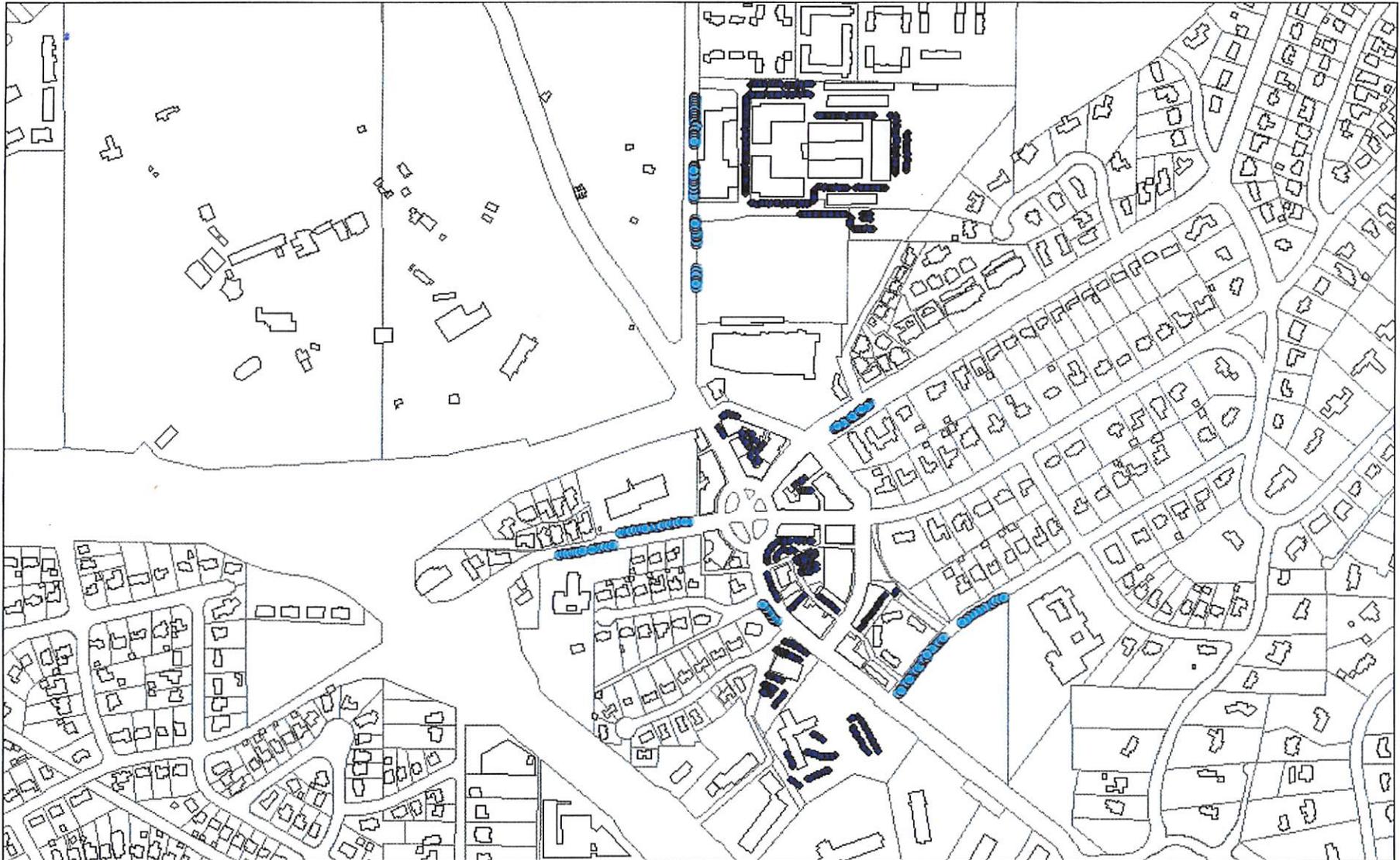
Total All Day Spaces: 162

Private Spaces (none include Office Park):

Including Village Dermatology and Lane Parke: 578

Including Village Dermatology, not including Lane Parke: 294

465 Spaces for employees needed total.



ORDINANCE NO. 1400

AN ORDINANCE TO PROHIBIT EMPLOYEES  
AND OTHERS ASSOCIATED WITH CERTAIN BUSINESSES  
FROM PARKING MOTOR VEHICLES IN CERTAIN LOCATIONS

WHEREAS, the City Council of the City of Mountain Brook has determined that it is essential to the well-being of the citizens of the City of Mountain Brook that the City maintain a strong commercial economic base as a source of revenue by means of sales taxes, license fees and ad valorem taxes from commercial and professional enterprises (collectively, "~~Businesses~~"); and

WHEREAS, the City Council has determined that for the Businesses in the City to be successful and to continue to provide a tax base for the City, they must have adequate parking areas for their customers and employees; and

WHEREAS, the City Council has determined that in the commercial area of the City generally known as Crestline Village and Mountain Brook Village there are an insufficient number of private or off-street parking spaces for the customers and employees of the Businesses located in ~~Crestline Village~~ these areas; and

WHEREAS, the City Council has determined that it is essential that there be an adequate number of parking spaces in Crestline Village and Mountain Brook Village to attract customers to the Businesses located in ~~Crestline Village~~ these areas so that Crestline Village and Mountain Brook Village will remain a viable commercial and professional ~~area~~ areas and help provide a tax base for the City; and

WHEREAS, the City Council recognizes that the employees of the Businesses must have access to adequate parking areas so as to enable them to have convenient access to their jobs; and

WHEREAS, the City Council has determined that there is an adequate number of private and public parking spaces in Crestline Village and Mountain Brook Village for the customers and employees of the Businesses in Crestline Village and Mountain Brook Village, and that to achieve the optimum economic benefit from the public parking spaces in ~~Crestline Village~~ these areas, it is necessary to proscribe the use by employees of certain public parking places during certain periods of time.

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

1. It shall be unlawful for any person who is an employee, agent, representative, independent contractor, individual proprietor, partner or officer of, or associated with, any Business (whether such Business is operated as an individual proprietorship, an independent contractor, a corporation, a partnership, an association, a firm or any other form or type of business entity or organization) located within Crestline Village or Mountain Brook Village or who is an employee of the City of Mountain Brook (individually, "Employee" and, collectively, "~~Employees~~") to park any motor vehicle on Church Street, Oak Street, Hoyt Lane or the portion of Dexter Avenue located between Church Street and Vine Street, or Canterbury Road during the following hours: from 8:00 A.M. to 5:00 P.M. on Mondays through Saturdays when the State of Alabama observes daylight savings time and from 8:00 A.M. to 4:30 P.M. during the remainder of the year, with the exception of the parking spaces located on the easterly side of the portion of Oak Street which is adjacent to the ~~City's~~ fire department building and the parking spaces located on the southerly side of the portion of Hoyt Lane which is adjacent to said fire department building, which parking spaces may be used by the Employees of the ~~City's~~ fire

department; provided, however, that the prohibition against Employees parking in said areas during said hours shall not apply to Employees on any day on which they are not serving in the capacity as an Employee or during the hours before their workday begins or after their workday ends.

2. Signs shall be erected adjacent to, or near, the public parking spaces on Church Street, Oak Street, Hoyt Lane ~~and~~, said portion of Dexter Avenue, and Canterbury Road giving notice that Employees of Businesses in Crestline Village and Mountain Brook Village may not park a motor vehicle in the public parking spaces on said streets during the times proscribed by this ordinance.

3. Any person who is convicted of, or who admits, violating any provision of this ordinance shall pay a fine in the amount of \$50.00, rather than a fine as provided for in the fine schedule contained in Ordinance No. 1338.

4. All ordinances or portions of ordinances conflicting with this ordinance are hereby repealed.

5. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

6. This ordinance shall become effective when published as required by law.

7. This ordinance shall supersede and replace Ordinance 1400. Ordinance 1400 is hereby repealed.

ADOPTED this the 14th 1th day of February, 2000July, 2019.

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Council President

APPROVED this the 14th 1th day of February, 2000July, 2019.

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Mayor

CITY OF MOUNTAIN BROOK



Dana O. Hazen, AICP  
Director of Planning, Building &  
Sustainability  
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Mountain Brook, Alabama 35213  
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DATE: August 12, 2019

TO: Mayor, City Council & City Manager  
FROM: Dana Hazen, City Planner

RE: Employee Parking – Mountain Brook Village

A survey was done by staff during the summer of 2019, regarding the number of employees in the traditional village (minus Lane Parke and Village Dermatology) at a peak hour; compared to the number of all-day employee parking (on-street parking combined with private, on-site parking).

The results indicated that there is a small surplus (7 parking spaces) on all-day parking when compared to the employee need.

Village	Private On-Site Parking	Public All Day Parking	Total Employee Parking Available	Total Number of Employees at Peak Hour
MBV (traditional)	225	162	387	380

Sec. 109-31. - Building codes—Adoption by reference.

- (a) Except as provided herein, the International Building Code - 2018 Edition ("ICC Building Code") and International Residential Code - 2018 Edition (the "IRC") and -2018 Edition ("the ISPC") International Swimming Pool and Spa Code, as 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 or the regular certificate) issued without the signature of 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.

*This section replaced Aug. 13, 2018 by Ordinance 2025*

*(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 or more dwelling units.

(Code 1996, § 4-1; Ord. No. 492, § 1; Ord. No. 656, § 1; Ord. No. 850, § A; Ord. No. 939, § A, 3-23-1987; Ord. No. 978, § 1, 6-13-1988; Ord. No. 1055, § 1, 2-10-1992; Ord. No. 1182, § 1, 12-12-1994; Ord. No. 1358, § 1, 6-14-1999; Ord. No. 1615, § 1, 1-12-2004; Ord. No. 1663, § 2, 4-11-2005; Ord. No. 1720, § 1, 11-13-2006; Ord. No. 1737, § 1, 6-25-2007; Ord. No. 1807, § 1, 1-11-2010; Ord. No. 1876, § 1, 9-10-2012; Ord. No. [1929](#), § 1, 2-9-2015)

Sec. 109-195. - Gas and mechanical codes—Adoption by reference.

(a) Except as provided herein, the International Fuel Gas Code - 2018 Edition (the "gas code") and International Mechanical Code - 2018 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 obtaining 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. The emergency provision of this code does forgo any fee or fine if the applicant notifies the City Building Official of the work to be permitted by phone message or email message within 72 hours of obtaining a permit.

(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.

(Code 1996, § 8-2; Ord. No. 657, § 1; Ord. No. 850, § E; Ord. No. 939, § D, 3-23-1987; Ord. No. 978, 6-13-1988; Ord. No. 1055, § 1, 2-10-1992; Ord. No. 1182, 12-12-1994; Ord. No. 1358, § 1, 6-14-1999; Ord. No. 1615, § 5, 1-12-2004; Ord. No. 1663, § 8, 4-11-2005; Ord. No. 1720, § 4, 11-13-2006; Ord. No. 1807, § 3, 1-11-2010; Ord. No. 1876, § 3, 9-10-2012; Ord. No. 1929, § 3, 2-9-2015)

**State Law reference—** Authority of city to adopt gas code by reference, Code of Ala. 1975, § 11-45-8.

Sec. 109-56. - Electrical code—Adopted by reference.

The National Electrical Code, 2017 Edition, published by the National Fire Protection Association and available for purchase from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA or by calling (800) 344-3555, is hereby adopted by reference as though it were copied herein fully, subject to the amendments of the following sections, as the electrical code of the city.

(Code 1996, § 5-2; Ord. No. 94, § 105; Ord. No. 649, § 1; Ord. No. 850, § B; Ord. No. 939, § B, 3-23-1987; Ord. No. 1018, 1-22-1990; Ord. No. 1100, 5-10-1993; Ord. No. 1182, § 1, 12-12-1994; Ord. No. 1226, 5-13-1996; Ord. No. 1358, § 1, 6-14-1999; Ord. No. 1560, 1-13-2003; Ord. No. 1615, § 2, 1-12-2004; Ord. No. 1690, 11-14-2005; Ord. No. 1720, § 3, 11-13-2006; Ord. No. 1771, § 1, 5-12-2008; Ord. No. 1839, § 1, 2-14-2011; Ord. No. 1901, § 1, 1-13-2014)

**State Law reference**— Adoption of electrical code by reference, Code of Ala. 1975, § 11-45-8.

Sec. 109-227. - Plumbing code—Adoption by reference.

- (a) Except as provided herein, the International Plumbing Code - 2018 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 obtaining the 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. The emergency provision of this code does forgo any fee or fine if the applicant notifies the City Building Official of the work to be permitted by phone message or email message within 72 hours of obtaining a permit.

- (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.

410.3 Exceptions (Local Amendment)

- (3) An approved water cooler with an accessible approved spout height and a bottled water dispenser and permanent affixed cup or water bottle holder is also required for use in lieu of a standard high low water cooler fixture complying with 410. Only where the space is shown to be limited in the updates of an existing group B or M business space for existing renovation only not regarding new construction.

(Code 1996, § 15-1; Ord. No. 655, § 1; Ord. No. 850, § F; Ord. No. 939, § E, 3-23-1987; Ord. No. 978, § 1, 6-13-1988; Ord. No. 1055, 2-10-1992; Ord. No. 1182, 12-12-1994; Ord. No. 1358, § 1, 6-14-1999; Ord. No. 1615, § 6, 1-12-2004; Ord. No. 1663, § 9, 4-11-2005; Ord. No. 1720, § 5, 11-13-2006; Ord. No. 1807, § 4, 1-11-2010; Ord. No. 1876, § 4, 9-10-2012; Ord. No. 1929, § 4, 2-9-2015)

**State Law reference—** Authority of city to adopt plumbing code by reference, Code of Ala. 1975, § 11-45-8.