

ORDINANCE NO. 2062

AN ORDINANCE REPEALING SECTIONS 109-31, 109-56, 109-195, AND 109-227 OF THE CITY CODE AND ADOPTING BY REFERENCE 2018 VERSIONS OF SPECIFIED BUILDING AND TECHNICAL CODES AND THE 2017 VERSION OF THE ELECTRICAL CODE

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 electrical systems (collectively, the "Technical Codes");

WHEREAS, the City Council desires that, except to the extent specified herein, the City adopt, the 2018 versions of the Building and Technical Codes except for the electrical code which is the 2017 version (the "Updated Building and Technical Codes") that are specified herein for use and application for buildings and structures within its corporate limits;

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

WHEREAS, the adoption of the Updated Building and 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 Section 109-31 of the City Code is hereby repealed and replaced with the following:

"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 International Swimming Pool and Spa Code – 2018 Edition (the "ISPSC"), 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 set forth fully herein.
- (b) The building codes adopted by Section 109-31(a) are amended as follows:
 - (i) The following codes that are referenced in this Section [A]101.4 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 are hereby repealed 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.

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- (iii) Sections [A] 111.1 of ICC Building Code & R110.1 of IRC are hereby repealed 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 are hereby repealed 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 are hereby repealed 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 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 is adopted, but amended by adding the following provision 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.

- (viii) Section 506.2.1 of the 2018 IRC is adopted but is amended by adding the following language to such section:

Fill depths between 24-60" shall be permitted where fill consists of #57 compacted gravel stone backfill and where #4 rebar on 16" center tied in both directions or other approved reinforcement material, as specified by an engineer's report, is utilized."

Section 2. Section 109-56 of the City Code is repealed and replaced with the following:

"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, is hereby adopted by reference as though it were set forth fully herein as the electrical code of the city."

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 - 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 set forth fully herein.

(b) The Gas Code and the Mechanical Code, adopted by Section 109-195 are amended as follows:

(i) Sections [A]106.6.2 of Gas Code & [A]106.5.2 of Mechanical Code are hereby repealed 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 are hereby repealed 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 are hereby repealed 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 - 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 fully set forth herein.

(b) The Plumbing Code adopted by Section 10—227(a) is amended 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 is hereby repealed 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 is hereby repealed 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.

- (iv) Section 410.3 of the Plumbing Code is amended to add the following as Subpart “3” under **Exceptions:**

3. An approved water cooler with an accessible approved spout height and a bottled water dispenser and permanent affixed cup or water bottle holder shall be permitted to be substituted for a standard high low water cooler fixture complying with 410 in instances where the space is shown to be limited. Such substitution shall only be permitted where the update is part of renovation of an existing group B or M business space.

Section 5. 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 6. 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 7. 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 8. The effective date of this Ordinance shall be January 1, 2020.

ADOPTED: This 12th day of November, 2019.



Council President

APPROVED: This 12th day of November, 2019.



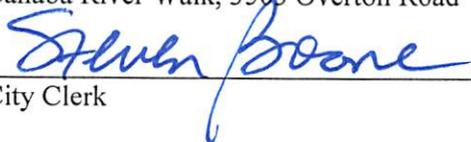
Mayor

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 an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on November 12, 2019, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 13, 2019, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road
Cahaba River Walk, 3503 Overton Road



City Clerk