

Chapter 6 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 6-1. - Technical codes adopted by reference.

Pursuant to Code of Ala. 1975, § 11-45-8, the city adopts, for the purpose of establishing rules and regulations for the construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the city, including permits, the following codes:

- (1) International Building Code, 2018 edition.
- (2) International Residential Code, 2018 edition.
- (3) International Fire Code, 2018 edition.
- (4) International Plumbing Code, 2018 edition.
- (5) International Mechanical Code, 2018 edition.
- (6) International Fuel Gas Code, 2006 edition.
- (7) National Electrical Code, 2008 edition.
- (8) International Energy Conservation Code, 2006 edition.
- (9) International Property Maintenance Code, 2006 edition.
- (10) International Existing Building Code, 2006 edition.

(Code 1999, § 18-2)

State Law reference— Authority to adopt technical codes by reference, Code of Ala. 1975, § 11-45-8; state building construction standards, Code of Ala. 1975, § 41-9-160 et seq.; municipal authority to adopt model building codes, Code of Ala. 1975, § 41-9-166.

Sec. 6-2. - Codes remedial in nature.

The city's technical codes are remedial in nature, 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 attributed to the built environment, including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all service systems, including electrical, gas, mechanical and plumbing systems.

Sec. 6-3. - Quality control.

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

Sec. 6-4. - Liability of city.

The inspection or permitting of any building, system 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, system or plan or their adequacy. Neither the city nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, that may occur subsequent to such inspection or permitting.

Sec. 6-5. - Referenced standards.

Standards referenced in the text of the technical codes shall be considered an integral part of this Code. 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.

Sec. 6-6. - Requirements not covered by Code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this Code or the other technical codes, shall be determined by the building department, through the building inspector or other designee.

Sec. 6-7. - Alternate materials and methods.

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building department, through the building inspector or other designee. The building department, through the building inspector or other designee, shall approve any such alternate, provided the building department, through the building inspector or other designee, finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability and safety. The building department, through the building inspector or other designee, shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

Sec. 6-8. - Accessibility of technical codes.

The city clerk shall cause to be printed and bound as many copies of each technical code as deemed necessary to serve the needs of the city and all the demands of persons desiring copies of such codes, which shall be available upon payment of the reasonable expense of the city in furnishing such codes.

(Code 1999, § 18-3; Ord. No. 167, § 4, 10-13-1988)

Sec. 6-9. - Fees and charges.

All fees and charges regarding construction in the city shall be set by the council.

(Code 1999, § 18-4)

Secs. 6-10—6-36. - Reserved.

ARTICLE II. - UNSAFE STRUCTURES

Sec. 6-37. - Building official to enforce article.

As used in this article, the term "building official" means the person designated by the mayor to enforce this article.

(Ord. No. 07-10-09, § 1(a), 10-10-2007)

Sec. 6-38. - Notice of violation; service.

- (a) Whenever the building official finds that any building, structure, part of a building or structure, party wall, or foundation situated in the city is unsafe to the extent that it is a public nuisance, the building official shall give the person last assessing the property for state taxes and all mortgages of record, by certified or registered mail to the address on file in the office of the county revenue commissioner, notice to remedy the unsafe or dangerous condition of the building or structure, or to demolish the same, within 30 days, or suffer the building or structure to be demolished by the city and the cost thereof assessed against the property.
- (b) The mailing of the certified or registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein.
- (c) Notice of the order, or a copy thereof, shall, within three days of the date of mailing, also be posted at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location on the building or structure.

(Ord. No. 07-10-09, § 1(b), 10-10-2007)

Sec. 6-39. - Request for and conduct of hearing.

Within the time specified in the notice, but not more than 30 days from the date the notice is given, any person having an interest in the building or structure may file a written request for a hearing before the city council together with his objections to the finding by the building official that the building or structure is unsafe to the extent of becoming a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the building official until determination thereon is made by the city council. The hearing shall be held not less than five nor more than 30 days after the request.

Sec. 6-40. - Appeal.

Any person aggrieved by the decision of the city council at the hearing may, within ten days thereafter, appeal to the county circuit court upon filing with the clerk of the circuit court notice of the appeal and a bond of security for costs in the form and amount to be approved by the circuit clerk. The city clerk shall, upon receiving motive from the circuit clerk, file with the circuit clerk a copy of the findings and determination of the city council in its proceedings.

(Ord. No. 07-10-09, § 1(d), 10-10-2007)

Sec. 6-41. - Procedure when no hearing is requested.

In the event no hearing is timely requested, the city council, after the expiration of 30 days from the date the notice is given, shall determine whether the structure is unsafe to the extent that it is a public nuisance. If it is determined by the city council that the building or structure is unsafe to the extent that it is a public nuisance, the city council shall order the building or structure to be demolished. The demolition may be accomplished by the city by the use of its own forces, or it may provide by contract for the demolition. The city may sell or otherwise dispose of salvaged materials resulting from the demolition.

(Ord. No. 07-10-09, § 1(c), 10-10-2007)

Sec. 6-42. - Costs of demolition.

- (a) Upon demolition of the building or structure, the building official shall make a report to the city council of the cost thereof, and the city council shall adopt a resolution fixing the costs, which it finds were reasonably incurred in the demolition, and assessing the costs against the property. The proceeds of any moneys received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of demolition.
- (b) Any person having an interest in the property may be heard at the meeting as to any objection to the fixing of the costs or the amounts thereof. The city clerk shall give notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the revenue commission's records on the property or is otherwise known to the clerk.
- (c) The fixing of the costs by the city council shall constitute a special assessment against the lot or parcel of land upon which the building or structure is located and as thus made and confirmed shall constitute a lien on the property for the amount of the assessment.
- (d) A certified copy of the resolution fixing the costs shall also be filed in the office of the county probate judge.

(Ord. No. 07-10-09, § 1(e), 10-10-2007)

Sec. 6-43. - Payment of assessment.

Payment of the assessment shall be made in the manner and as provided for the payment of municipal improvement assessments in Code of Ala. 1975, §§ 11-48-49 to 11-48-60. The city may elect to have the revenue commissioner collect the assessment by adding the assessment to the tax bill.

(Ord. No. 07-10-09, § 1(f), 10-10-2007)