MUNICIPAL BUILDING, MOBILE, ALABAMA, NOVEMBER 8, 2022

The Council of the City of Mobile, Alabama, met in the City Council's Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, November 8, 2022, at 9:00 a.m.

Councilmembers:

Present: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Absent:

The meeting was called to order. The Council reviewed and discussed the agenda for their meeting to be held today at 10:30 a.m.

Approved:

_____
COUNCIL PRESIDENT

_____
CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, NOVEMBER 8, 2022

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Wednesday, November 8, 2022, at 10:30 a.m., for the regular meeting.

The meeting was called to order by City Clerk, Lisa C. Lambert.

Reverend Dr. Mary Jayne Ledgerwood, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman: Small
Councilmembers: Penn, Carroll, Reynolds, Daves, Jones, and Gregory
Absent:

STATEMENT OF RULES BY PRESIDING OFFICER

The Presiding Officer provided an overview of the City Council's rules of procedure.

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson encouraged citizens to vote yes for Amendment 1 to Aniah's Law and on the County Pay As You Go Program on November 8, 2022.

Mayor Stimpson announced several events in the city this weekend: The Veterans Day Parade is Friday, the Poarch Creek Tribe will be celebrating Native American History Month at Art Walk on Friday, and the 5th Annual Gulf Coast Challenge football game is Saturday.

Shonnda Smith, Deputy Executive Director of Public Works, presented the following employees of the month:

1. Jason Davis, Public Works at Large
2. Freda Mitchell, Parks and Recreation
3. Kelvin Daniels, Public Services

PRESENTATIONS FROM THE COUNCIL

Councilmember Jones read a proclamation declaring November 8, 2022, as "Second Lieutenant Chester Feagin Day" in Mobile.

ADOPTION OF THE AGENDA:

Councilmember Jones moved to adopt the agenda, which move was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the agenda adopted.

APPEALS:

Request of Gulf Coast Challenge for a waiver of the Noise Ordinance at Mardi Gras Park on November 9, 2022, from 6:00 p.m. – 11:00 p.m. (District 2).

Councilmember Daves moved to grant the waiver, which motion was seconded by Councilmember Jones, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted.

Request of Gulf Coast Challenge for a waiver of the Noise Ordinance at Mardi Gras Park on November 11, 2022, from 6:00 p.m. – 11:00 p.m. (District 2)

Councilmember Daves moved to grant the waiver, which motion was seconded by Councilmember Jones, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted.

Request of Nasser Parvinrouh for a waiver of the Noise Ordinance at Bienville Square on November 12, 2022, from 11:00 a.m. – 2:00 p.m. (District 2).

Councilmember Daves moved to grant the waiver, which motion was seconded by Councilmember Jones, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted.

Request of Sharon Barker for a waiver of the Noise Ordinance at 1215 Elmira Street on November 19, 2022, from 4:00 p.m. – 9:00 p.m. (District 2).

Councilmember Daves moved to grant the waiver, which motion was seconded by Councilmember Jones, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted.

Request of Pam Shreve for a waiver of the Noise Ordinance at 906 Garrity Street on September 2, 2023, from 6:30 p.m. – 10:00 p.m. (District 3).

Councilmember Daves moved to grant the waiver, which motion was seconded by Councilmember Jones, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted.

PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 5015, 5017, 5019, 5021, 5029, 5033, 5039, 5049, 5051, 5055, 5121, & 5133 COTTAGE HILL ROAD, 2113 DEMETROPOLIS ROAD, AND 2104 GARMONS LANE FROM R-2 AND B-2 TO B-2 (DISTRICT 4).

The Presiding Officer announced that today was the day for the public hearing to rezone property located at 5015, 5017, 5019, 5021, 5029, 5033, 5039, 5049, 5051, 5055, 5121, & 5133 Cottage Hill Road, 2113 Demetropolis Road, and 2104 Garmons Lane from R-2 and B-2 to B-2 and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1853 TOULMIN AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1853 Toulmin Avenue a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1302 VIRGINIA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition/securing of the structure at 1302 Virginia Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 850 VICTORY DRIVE, W. A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition/securing of the structure at 850 Victory Drive, W. and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 2721 RALSTON ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition/securing of the structure at 2721 Ralston Road and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

NON-AGENDA ITEMS:

Jacob Blasius, 6551 Evelyn Drive, gave comments regarding the need for the City to trap and exterminate coyotes.

Reggie Hill, 1007 Center Street, gave comments regarding amendments to Chapter 38 of the Mobile City Code.

ORDINANCES HELD OVER

ORDINANCE TO ADOPT A BUILDING CODE FOR THE CITY OF MOBILE. The following ordinance was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

ORDINANCE: 11-047-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, AS FOLLOWS:

ARTICLE ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-(1975), the 2021 Edition of the International Building Code and Appendices, along with the amendments to the same contained in this ordinance, which has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama, on **November 8, 2022**, is hereby adopted as "The Building Code of the City of Mobile." The ordinance will become effective sixty (60) days after adoption by the City Council.

ARTICLE TWO: Published Ordinance. A copy of this ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said *2021 International Building Code* to be published in a newspaper, nor shall the same be spread at length upon the Minutes of this Council, but this ordinance shall be recorded in said minutes.

ARTICLE THREE: Effective Date. The said *2021 International Building Code* shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

ARTICLE FOUR: Contractors Criteria and Qualifications. Criteria and qualifications for all contractors shall be set herein. For the purpose of this ordinance, the term contractor will hereinafter refer to Building Contractor as defined and added by **ARTICLE NINE** in **SECTION 202 GENERAL DEFINITIONS.**

Contractor Responsibilities. It shall be the duty of every contractor who shall make contracts for the construction, installation, repair, or modifications of buildings, for which a permit is required, to be properly licensed and bonded in accordance with all the City of Mobile and State of Alabama requirements. The contractor shall register his/her name in a register with the Building Official in a book provided for that purpose. The said book shall record the full name, residence, and place of business and it shall be the contractor's responsibility to notify the City of Mobile of any changes. In addition to the requirements as set forth herein, all individuals, agents, or businesses that perform work that exceeds $50,000 are required to be a general contractor or subcontractor in accordance with all the statutory requirements of the State of Alabama and City of Mobile.

ARTICLE FIVE: Surety Bond. In addition to the requirements as set forth herein, it shall be the duty of every builder; contractor and sub-contractor shall provide and have on file a current License and Permit Bond for $10,000. The bond is subject to the approval of City of Mobile Legal Department and shall be provided by a surety company qualified to do business in the State of Alabama.

Such bond shall insure that the licensee complies with laws, ordinances and building regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the building business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

ARTICLE SIX: Criteria for Owners to Obtain Permits. For the purpose of this code, a property owner physically doing the work themselves may be issued a permit upon the Building Official's satisfaction that the owner is competent to perform the work for which the permit is requested, and execution of a Building Affidavit. Owner competence can be initially demonstrated by satisfactory performance on an in-house builder's knowledge test at the Permitting Department. Any individual other than the property owner doing the work on a property is considered a contractor and shall meet the requirements of a contractor and shall comply with all applicable laws, codes, and ordinances. All inspection criteria, for property owner permit holders, shall be the same as for contractors in SECTION 110 INSPECTIONS.

ARTICLE SEVEN: Vehicular Signs. All trucks and similar vehicles used by contractors and subcontractors shall have signs on both sides of the body of said vehicle indicating the full name, address, and telephone number of the firm to which it belongs. Lettering may be any color in contrast to the color of the body, but letters identifying the firm name must be at least 1 ½ inches high.

ARTICLE EIGHT: 2021 INTERNATIONAL BUILDING CODE. CHAPTER 1 SCOPE AND ADMINISTRATION Part 1-SCOPE AND APPLICATION SECTION 101 SCOPE AND GENERAL REQUIREMENTS. To be amended as follows:

101.1 Title. Amend to read as follows:
101.1 Title. These regulations shall be known as the Building Code for the City of Mobile, hereinafter referred to as "this Code."

101.2 Scope. Amend Exception to read as follows:
101.2 Scope. Exception:

Exception: Historic structures designated by the state or local jurisdiction as historic buildings, including those listed on the Alabama Register of Landmark and Heritage or in the National Register of Historic Places; existing buildings undergoing repair; alteration or additions; and change of occupancy shall be permitted to comply with the International Existing Building Code.

101.2.1 Appendices. Amend as follows:

Add sub-paragraph 101.2.1.1 Adopted appendices. To read as follows:
101.2.1.1 Adopted appendices. The following specific appendices shall be adopted:

APPENDIX A EMPLOYEE QUALIFICATIONS
APPENDIX B BOARD OF APPEALS
APPENDIX C GROUP U – AGRICULTURAL BUILDINGS
APPENDIX E SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS
APPENDIX F RODENTPROOFING
APPENDIX G FLOOD-RESISTANT CONSTRUCTION
APPENDIX H SIGNS
APPENDIX I PATIO COVERS
APPENDIX J GRADING
APPENDIX N Replicable Buildings
APPENDIX O Performance-Based Application

101.4 Referenced codes. - 101.4.6 Energy. Amend to read as follows:
101.4.6 Energy. Where referenced, the *International Energy Conservation Code* shall be the energy code adopted and enforced by the State of Alabama.

Add Paragraph 101.4.8 National Electrical Code. To read as follows:
101.4.8 National Electrical Code. The provision of the *2020 National Electrical Code* and adopted ordinances shall apply to new construction, existing buildings undergoing repairs and/or alterations.

2021 INTERNATIONAL BUILDING CODE > CHAPTER 1 SCOPE AND ADMINISTRATION > Part 2-ADMINISTRATION AND ENFORCEMENT > SECTION 105 PERMITS > To be amended as follows:

105.1.1 Annual permit. Delete in its entirety.

105.1.2 Annual permit records. Delete in its entirety.

105.2 Work Exempt from permit. Building: Amend to read as follows: 105.2 Work Exempt from permit.
Building:

12. Window awnings in group R-3 and U occupancies, supported by an *exterior wall* that do not project more than 54 inches (1372mm) from the *exterior wall* and do not require additional support.

105.3 Application for permit. Add sub-paragraph 8 and 9. To read as follows: 105.3 Application for permit.

8. Applicant must provide proper identification.

9. Applicant must verify ownership of property.

SECTION 107 CONSTRUCTION DOCUMENTS 107.3 Examination of documents. 107.3.4 Design professional in responsible charge. To be amended as follows:

Add sub-paragraph 107.3.4.2 Work requirement of registered design professional. To read as follows: 107.3.4.2 Work requirements of registered design professional. All drawings, specifications, and accompanying data shall bear the name and address of the registered design professional. The registered design professional shall affix his/her official seal to said drawings, specifications and accompanying data for the erection, enlargement, or alteration of any building. The provisions of this code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority.

The registered design professional shall provide the Building Official a letter stating that he/she is the design professional in responsible charge on each project. The services of a registered design professional shall be required on all buildings except those herein exempted and no official of the City herein charged with the enforcement of laws, ordinances or regulations relating to the construction or alteration of buildings shall accept or approve any plans or specifications that are not so prepared. Upon completion of construction and prior to the issuance of a certificate of Occupancy the registered design professional shall submit to the building official a letter of certificate of substantial completion.

Exceptions:

1. Exemptions shall be in accordance with Code of Alabama 1975, Title 34, Chapter 2, Alabama Board of Architects Registration Act Rules and Regulation.

2. Exemption shall be in accordance with Code of Alabama 1975, Title 34, Chapter 11, and Alabama Board of Licensure for professional Engineers and professional Land Surveyors.

SECTION 109 FEES > To be amended to read as follows:
109.2 Schedule of permit fees. To read as follows:
109.2 Schedule of permit fees. On all buildings, structures, electrical, plumbing, and mechanical systems, or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the "Building Codes Permit Fee Schedule Ordinance" as established by the City of Mobile and adopted in a separate ordinance.

109.6 Refunds. Amend to read as follows:
109.6 Refunds. Refunds shall be issued in accordance with the policies spelled out in the "Building Codes Permit Fee Schedule Ordinance" as adopted in a separate ordinance.

SECTION 110 INSPECTIONS > To be amended as follows:

110.3.9 Energy efficiency inspections. Delete in its entirety.

SECTION 111 CERTIFICATE OF OCCUPANCY > 111.2 Certificate Issued. > To be amended as follows:

Add sub-paragraph 111.2.1 Certificate of Shell Completion. To read as follows:
111.2.1 Certificate of Shell Completion. After the Building Official inspects the building or structure and finds no violations of this code or other laws that are enforced, the Building Official shall issue a certificate of completion for a shell building.

SECTION 113 MEANS OF APPEALS > To be amended as follows:

SECTION 113 MEANS OF APPEALS - Delete in its entirety.

Add SECTION 113 BOARD OF APPEALS – To read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Construction Board of Appeals, hereafter referred to as "The Board of Appeals". The Board of Appeals shall be appointed by the Mayor.

Exception: The appeal and variance procedure for structures located in flood hazard areas shall be in accordance with the applicable sections of the City of Mobile's "Storm Water Management and Flood Control Ordinance", which is administered and enforced by the City of Mobile Engineering Department and adopted by a separate ordinance.

The *Building Official* for the Board of Appeals shall be defined as the Code Official having jurisdiction over each of the applicable codes adopted in separate ordinances by the City of Mobile.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder has been incorrectly interpreted; the provisions of this code do not fully apply; or an equally good or better form of construction is proposed. The Board of Appeals shall have no authority to waive requirements of this code.

113.3 Qualifications. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

113.4 Application. The application for appeal shall be filed on a form obtained from the *Building Official* within 20 calendar days after a written decision by the *Building Official*.

113.5 Membership of the Board. The Board of Appeals shall consist of persons appointed by the Mayor as follows:

1. Two for four years; two for three years; two for two years; and three for one year.

2. Thereafter, each new member shall serve for four years or until a successor has been appointed.

The *Building Official* and city attorney or their designees shall be ex officio members of said Board of Appeals but shall have no vote on any matter before the board.

113.6 Members. The Board of Appeals shall consist of seven individuals who are not employees of the jurisdiction, one from each of the following disciplines:

1. Registered design professional with architectural experience or a State of Alabama licensed builder with at least ten years' experience, five of which have been in responsible or supervisory level of work.

2. Licensed design professional with structural engineering experience.

3. Licensed design professional with mechanical engineering experience or a mechanical contractor with at least ten years' experience, five of which have been in a responsible or supervisory level of work.

4. Licensed design professional with plumbing engineering experience or a plumbing contractor with at least ten years' experience, five of which have been in a responsible or supervisory level of work.

5. Licensed design professional with electrical engineering experience or a contractor with at least ten years' experience, five of which have been in a responsible or supervisory level of work.

6. Licensed design professional with fire protection engineering experience or a fire protection contractor with at least ten years' experience, five of which have been in a responsible or supervisory level of work.

7. One who is qualified by experience and training to pass on matters pertaining to property maintenance. If a representative is not available from the listed disciplines, the Mayor may appoint others who may be qualified by experience, education, and training to pass upon appeals presented to the Board of Appeals.

113.7 Alternate members. The Mayor shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

113.8 Rules and procedures. The Board of Appeals is authorized to establish policies and procedures necessary to carry out its duties.

113.9 Chairperson. The Board of Appeals shall annually select one of its members to serve as chairperson.

113.10 Vice-Chairperson. The Board of Appeals shall annually select one of its members to serve as chairperson.

113.11 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional, or financial interest.

113.12 Secretary. The Executive Director of Build Mobile shall designate a qualified clerk to serve as secretary to the Board of Appeals. The secretary shall not be a member of the Board of Appeals. The secretary shall file a detailed record of all proceedings in the office of the Executive Director of Build Mobile.

113.13 Compensation of Members. There shall be no compensation for members who serve on the Board of Appeals.

113.14 Ad-hoc Advisory Committees. For the sole purpose of deciding an appeal brought before the Board of Appeals, the Chairperson may empanel an Ad-hoc Committee consisting of one member of the Board of Appeals and two individuals who have specialized expertise relevant to the appeal. Those appointed committee members shall not have a vote in the matter of the appeal and are to serve in an advisory role. Committee members shall present their opinions individually to the full membership of the Board of Appeals. The Ad-hoc Committee shall be limited in scope of service to the single appeal and its existence shall terminate with the issuance of the decision on the appeal.

Ad-hoc Committees Members. Ad-hoc committees shall be composed of individuals who through education, experience, and licensing by the State of Alabama, are considered qualified to opine on the subject matter that constitutes the basis.

113.15 Notice of meeting. The Board of Appeals shall meet upon notice from the chairperson, within 10 business days of the filing of an appeal or at stated periodic meetings.

113.16 Open hearing. All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the *Building Official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum must be present for the Board of Appeals to conduct a hearing. A quorum shall consist of five (5) members.

113.17 Procedure. The Board of Appeals shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

113.18 Board of Appeals decision. The board shall modify or reverse the decision of the *Building Official* by a concurring vote of a super majority of its members present.

113.19 Administration. The Building Official shall take immediate action in accordance with the decision of the board.

SECTION 114 VIOLATIONS 114.4 Violation Penalties. To be amended as follows:

114.4 Violation Penalties. Amend to read as follows:
114.4 Violation penalties. Persons who shall violate a provision of the *2021 International Building Code* (IBC), as amended, or shall fail to comply with any of the requirements thereof or who shall construct, enlarge, alter repair, move, demolish or change the occupancy of a structure in violation of the approved construction documents or directive of the Code Official or of a permit or certificate issued under the provisions of this Code

shall be prosecuted, and upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00). In addition, thereto, at the discretion of the court trying the case, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period not exceeding six (6) months. Other penalties in accordance with Chapter 1 of the Mobile City Code may also apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Notwithstanding any other provision of law, the maximum penalty for every person convicted of violating any of the following offenses are as follows:

1. A violation of any provision of **ARTICLE FOUR: Contractors Criteria and Qualifications**, of this Ordinance, shall be a $500 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. A violation of any provision of **ARTICLE SEVEN: Vehicular Signs,** of this Ordinance, shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3. Any act to impede, delay, deceive, obstruct, hinder, disturb or interfere in any manner with the Code Official in the execution of the Code Official's duties shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT 116.3 Notice. To be amended as follows:

116.3 Notice. All buildings or structures which are unsafe, unsanitary, or not provided with adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contempt of this Section, Unsafe Structures and Equipment. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedures:

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 notice, as required by Alabama Act 140, 1971, as amended by Act 581, 1973, give the 1) mortgagee(s), regulatory boards, the person last assessing the property for state taxes, and the owner, agent, or person in control of such building or structure written notice setting forth 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 hereof.

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 stating: **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.

3. The mortgagee(s), regulatory boards, last person assessing for state taxation, and if other than those listed, 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 Board of Adjustment and Appeals at a specified time and place to show cause why he should not comply with said notice.

4. In case the mortgagee(s), regulatory boards, last person assessing for state taxation, and 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*, after having ascertained the cost, shall cause such building or structure or portion thereof, to be secured or required to remain vacant in accord with Section 102.4.a.1, and/or demolished in accord with Alabama Act 140, 1971.

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

6. Costs included under Paragraphs 103.4(a) and 103.4(a) (5) of Alabama Act 140, 1971 shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

7. The provisions of this code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction of any power or authority.

ARTICLE NINE: 2021 INTERNATIONAL BUILDING CODE CHAPTER 2 DEFINITIONS SECTION 202 DEFINITIONS To be amended as follows:

THE FOLLOWING DEFINITIONS: Amend to read as follows:

FLOOD HAZARD AREA. The area designed as a flood hazard area in accordance with the “Storm Water Management and Flood Control Ordinance” adopted and administered by the City of Mobile’s Engineering Department.

HISTORIC BUILDING. Any building or structure that is listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic Places; designated as a historic property under local or state designation; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed in the Alabama Register or the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

ADD THE FOLLOWING DEFINITIONS – To read as follows:

CONTRACTOR. One who, for a price, commission, fee, or wage undertakes to construct or superintend or engage in the construction, enlargement, alteration, maintenance, repair, move, rehabilitation, remediation, reclamation, demolish of a structure or swimming pool.

GROUND SIGN. A billboard or similar type of sign which is a supported by one or more uprights, poles, or braces in or upon the ground other than a combination sign or pole sign, as defined by this code.

POLE SIGN. A sign wholly supported by a sign structure in the ground.

ARTICLE TEN: 2021 INTERNATIONAL BUILDING CODE CHAPTER 3 OCCUPANCY CLASSIFICATION AND USE SECTION 309 MERCANTILE GROUP M - To be amended as follows:

Add Paragraph 309.1 Mercantile Group M - Exception – To read as follows:

Exception. A facility such as above may be classified as Group B (Business) Occupancy when all for the following conditions are met:

1. Meets requirements of small quantity of goods and merchandise available for sale.

2. Occupancy load is 50 persons or less.
3. Meets all life safety requirements for Group B Occupancy.
4. The facility is existing, and no building shall be greater than 2500 square feet.

ARTICLE ELEVEN: 2021 INTERNATIONAL BUILDING CODE > CHAPTER 16 STRUCTURAL DESIGN > To be amended as follows:

SECTION 1609 WIND LOADS – 1609.3 Basic Design Wind Speed. Amend to read as follows:

1609.3 Basic Design Wind Speed. The basic design speed for the determination of the wind loads shall be in accordance with Section 1609 of the 2021 International Building Code, Basic Design Wind Speed Maps or in accordance with ASCE 7.
• Risk Category I, 145 mph 3-second gust
• Risk Category II, 159 mph 3-second gust
• Risk Category III 169 mph 3-second gust • Risk Category IV 179 mph 3-second gust.

Wind Contour Maps Data Source

Data Source: https://hazards.atcouncil.org/

Wind Contour GIS layers: Layer is based on Standards ASCE 7-10 and ASCE 7-16. ASCE 7-10 Figs. 26.5-1A–C and CC-1–CC-4, incorporating errata of March 12, 2014; ASCE 7-16 Figs. 26.5-1A–D, 26.5-2A–D, and CC.2-1–CC.2-4.

Layer Rest Endpoint: https://gis.asce.org/arcgis/rest/services/ASCE Online tools used for verification:

https://asce7hazardtool.online/

https://hazards.atcouncil.org/

Data Overview: The ASCE 7 Hazard Tool provides site-specific data in both customary and SI units for environmental hazards as specified in Standards ASCE 7-10 and ASCE 7-16: Value provided is 3-second gust wind speeds at 33 ft above ground for Exposure C Category, based on linear interpolation between contours. Wind speeds are interpolated in accordance with the 7-16 Standard. Wind speeds correspond to approximately a 15% probability of exceedance in 50 years (annual exceedance probability = 0.00333, MRI = 300 years).

SECTION 1612 FLOOD LOADS – 1612.3 Establishment of Flood Hazard areas. Amend to read as follows:

1612.3 Establishment of Special Flood Hazard Areas. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in the most current adopted Flood Insurance Study entitled "The Flood Insurance Study for Mobile County, Alabama and incorporated areas", as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section. The adopted "Storm Water Management and Flood Control Ordinance" flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section. Where there is difference between the ordinances relating to flood hazard areas, flood hazard map, supporting data or code, the more stringent provision shall prevail.

The variance and appeal procedure shall be in accordance with the applicable sections of the adopted "Storm Water Management and Flood Control Ordinance" which is administered and enforced by the City of Mobile Engineering Department.

ARTICLE THIRTEEN: 2021 INTERNATIONAL BUILDING CODE CHAPTER 29 PLUMBING SYSTEMS SECTION 2902 MINIMUM PLUMBING FACILITIES 2902.1

Minimum number of fixtures. 2902.1.1 Fixture calculations. To be amended as follows:

2902.1.1 Fixture Calculations. Delete Exception 2

ARTICLE FOURTEEN: 2021 INTERNATIONAL BUILDING CODE > APPENDIX H SIGNS > To be amended as follows:

Section H101 GENERAL Amend to read as follows:

H101.1 General. This section is to regulate the construction of new signs and reconstruction of existing signs support structures, braces, and anchors so they may be erected in a safe manner. Where a permit is required, as provided in Chapter 1, construction documents shall be required. These documents shall show the dimensions, material and required details of construction, including loads, stresses, and anchors.

Add subsection H101.1.1 Zoning Ordinance. To read as follows:

H101.1.1 Zoning Ordinance. All signs shall be in accordance with the Zoning Ordinance, Chapter 64, adopted in a separate ordinance and enforced by the Planning and Zoning Department.

H101.2 Signs exempt from permits. Delete in its entirety. SECTION H102 DEFINITIONS > Amend to read as follows:

H102.1 General. Delete the following definitions:

DISPLAY SIGN
ELECTRIC SIGN
PORTABLE DISPLAY SURFACE
PROJECTING SIGN
ROOF SIGN
SIGN
WALL SIGN

SECTION H103 LOCATION - Delete in its entirety.

SECTION H108 ANIMATED DEVICES - Delete in its entirety.

SECTION H110 ROOF SIGNS - Delete in its entirety.

SECTION H114 PORTABLE SIGNS - Delete in its entirety.

SECTION H116 REFERENCED STANDARDS > Amend to read as follows:

Add H116.2 Zoning 64-11. To read as follow:

H116.2 ZONING 64-11. ZONING ORDINANCE adopted May 16, 1967 and codified in Chapter 64 of CITY CODE of MOBILE, Section 64-11. Sign Regulations Provisions, adopted in a separate ordinance.

ARTICLE FIFTEEN: SEPARATION CLAUSE. If any section, subsection, 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 Ordinance. The City Council of the City of Mobile hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, or phrases be declared unconstitutional.

The ordinance was read by the City Clerk; whereupon Councilmember Jones moved that the ordinance be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

ORDINANCE TO ADOPT AN ELECTRICAL CODE FOR THE CITY OF MOBILE. The following ordinance was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

ORDINANCE: 19-048-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA AS FOLLOWS:

SECTION ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-(1975), the 2020 Edition of the National Electrical Code, along with the amendments to the same contained in this Ordinance, has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama, on **November 8, 2022,** and is hereby adopted as the "Electrical Code of the City of Mobile."

SECTION TWO: Published Ordinance. A copy of this Ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said 2020 National Electrical Code to be published in a newspaper, nor shall the same be spread at length upon the minutes of this Council, but this Ordinance shall be recorded in said minutes.

SECTION THREE: Effective Date. The said 2020 National Electrical Code shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

SECTION FOUR: Contractor's Criteria and Qualifications. Criteria and qualifications for electrical contractors shall be set forth herein. For the purpose of this ordinance the term contractor will hereinafter refer to Electrical Contractor as defined and added by SECTION **NINE** in **Article 100 DEFINITIONS.** It shall be unlawful and an offense against the City for any person to work as a master electrician, journeyman electrician, or low voltage electrician, without first obtaining a certificate of competency from the Board of Electrical Examiners.

In addition to the requirements as set forth herein, all individuals, agents or businesses who install, alter, or modify all or part of an electrical system shall furnish proof that they are a licensed, registered master electrician in accordance with the electrical examining board and the statutory requirements of the state and city. Where any electrical work is being undertaken, a master or journeyman electrician shall be present at the job site and in actual control and in charge of the work being performed.

(A) Creation of the Board of Electrical Examiners. There is hereby created the Board of Electrical Examiners of the City of Mobile.

(B) Appointments. Board of Electrical Examiners members shall be appointed by the City Council.

(1) When appointing members of the Board of Electrical Examiners, the Council will endeavor, to the extent possible, to appoint persons in a manner to reflect a balanced representation of individuals or organizations. The chairman of the Board of Electrical Examiners shall be the electrical official.

(2) The Board of Electrical Examiners shall consist of seven (7) voting members. One board member will be a City of Mobile certified master electrician, and one board member will be a City of Mobile certified journeyman electrician.

(3) In considering the appointment of board members, the Council may solicit recommendations made by interested organizations and entities, including but not limited to the International Brotherhood of Electrical Workers Local 505, the National Electrical Contractors Association, the Master Electricians Association of Alabama, the Alabama Power Company, the Associated Builders and Contractors Association of South Alabama, and the Home Builders Association of Metro Mobile. The Council is not, however, bound by any recommendation that may be made or compelled to accept or otherwise act upon any recommendation that may be made.

(C) Terms. Each member of the Board of Electrical Examiners shall serve a term of two (2) years Vacancies for any reason shall be filled in the same manner as their appointment, and such appointments shall be for the unexpired term of the member replaced. Members shall be eligible for reappointment.

(1) If, at the expiration of any term of office of any member of the Board of Electrical Examiners, a successor thereto has not have been appointed by the city council, then the member whose term of office has expired will continue to hold office until his or her successor has been duly appointed by the city council.

(2) This Ordinance shall not serve to vacate any appointment made prior to its effective date.

(D) Compensation. Each appointed member will receive no compensation.

(E) Quorum. A quorum as established by the Board of Electrical Examiners operating procedures shall be required to conduct Board of Electrical Examiners business. The Board of Electrical Examiners shall hold such meetings as necessary. The Chair or a majority of the members of the Board of Electrical Examiners shall have the authority to call meetings of the Board of Electrical Examiners.

(F) Duties. It shall be the duty of the Board of Electrical Examiners to:

(1) Adopt the necessary rules and regulations to administer and enforce this Code.

(2) Establish qualifications of electrical contractors.

(3) Revoke or suspend the recognition of any electrical certification for the jurisdiction.

(4) After advance notice of the public hearings and the execution of such hearings, as established by law, the Board of Electrical Examiners is authorized to establish and update the provisions for the safety of electrical installations to conform to the currently adopted edition of the National Electrical Code (NFPA 70) and other nationally recognized safety standards for electrical installations.

(5) Establish procedures for recognition of electrical safety standards and acceptance of equipment conforming to these standards.

(G) Examinations. The board of electrical examiners shall hold examinations for master electricians, and journeyman electricians at least twice yearly.

(H) Policies and Procedures. The Board of Electrical Examiners shall promulgate policies and procedures for the administration of examinations, which shall be on file with the Clerk of the City and available in the Electrical Inspection Unit.

(I) Suspension or Revocation of Certificates of Competency. After a hearing following notice, the board shall have the power to suspend any certificate of competency issued by it for a period of not more than thirty (30) days, and may revoke certificates of competency issued by it, upon evidence presented to it that the holder of such certificate of competency

has persistently or willfully violated the provisions of this code. When such certificate is revoked, the holder thereof shall not be entitled to apply for a new certificate within six (6) months of the date of such revocation.

(J) Complaints. Whenever a complaint is made to the Board of Electrical Examiners concerning any holder of a certificate of competency and the Board of Electrical Examiners finds there is probable cause that the complaint is grounded in fact and that the facts, if true, would warrant revocation of the certificate, then the Board of Electrical Examiners shall hold a meeting at which meeting the certificate holder and complainant may appear and present evidence as to such charges and defenses. Notice of the meeting shall be given to the holder of the certificate of competency not less than fifteen (15) days prior to the date set for said meeting and shall specify, in detail, the basis of the charges against him or her.

(K) Continuing Education Requirements for Holders of Active Certificates of Competency.

(1) Each person who is certified by the Board of Electrical Examiners must, as a condition of renewal of the certificate, provide proof of at least fourteen (14) classroom hours of continuing education in one (1) or more courses approved by the Board of Electrical Examiners per three-year period.

(2) A person who holds more than one certificate issued by the Board of Electrical Examiners is required to complete the continuing education requirements only once during each three-year period. Proof of completion by any such person must be submitted with the renewal application.

(3) No continuing education requirements apply for the year in which a certificate is initially issued.

(L) Certification Issuance and Renewal Fee.

Table 1

Journeyman electrician	50.00
Duplicate card fee	10.00
Master electrician	30.00 with business license
Low voltage certificate fee	50.00
State issuance fee	25.00
Inactive master	10.00 per year
Inactive master conversion fee	250.00
Certification late renewal	Double fee
Electrical exam fees:	
Master electrical exam fee	145.00
Journeyman electrical exam fee	95.00

* All electrical fees shall comply with the city ordinance known as the "Building Code Permit Fee Schedule Ordinance."

(M) Certificate Fees and Terms.

Table 2

Application	**Fee**	**Prerequisite**	**Term of Certificate of Competency**
Application for master electrician examination	$145.00	Any person shall be eligible for examination as a master electrician who has been in actual employment as a certified journeyman electrician for at least (1) year, or has passed a previous examination with the city as a master electrician, or has a professional electrical engineering license, or such experience in the electrical field as shall be approved by the board of electrical examiners, or has had five (5) years of such experience in the design of electrical systems and their construction shall be approved by the board of examiners.	Master certificates will expire the day prior to March 1 and shall be renewed every three (3) years between January 1 and March 1 without a re-examination, under one (1) of the following provisions: (1) $30.00 fee if purchasing a city electrical contractor's license; (2) if not purchasing a city electrical contractor's license a fee equivalent to the amount paid for the minimum electrical contractor's business license.
Application for journeyman examination	$95.00	Four (4) years' experience as an apprentice or a current journeyman or master electrician in another jurisdiction of the state or other training approved by the board of electrical examiners.	5 years
Application for associate journeyman	$95.00	An applicant for a certificate of competency as an associate journeyman must have had at least two (2) years practical experience as an apprentice of a journeyman electrician or master electrician, or shall be sponsored by the electrical department of the city or must have had other training approved by the board of electrical	

		examiners.	
Application for low voltage	$95.00	Low voltage contractors must be licensed by the Alabama Electronics Security Board and must be issued a limited certificate of competency by the city. Worked performed under the certificate shall be limited to the specific installation specified on the certificate.	5 years
Reciprocal certificate of competency	$100.00	Applicants who attain a minimum score of seventy (70) percent on an examining board approved commercially-produced standardized test administered by an approved governmental agency, shall be eligible for a certificate of competency, without additional examination, subject to payment of the required fee.	
Replace of lost certificates	$10.00		
Inactive master's certificate basis until the next licensing period (January 1 – March 1). During this regular licensing period (January 1 – March 1) an "inactive" certificate may be converted to an "active" certificate by compliance with the electrical code. Also, a holder of an "inactive" certificate may acquire an active master's certificate at any time during the year by a successful completion of the prescribed master examination.	$10.00		

SECTION FIVE: Surety Bond.
(A) In addition to the requirements as set forth herein, it shall be the duty of every builder, contractor, and sub-contractor to provide and have on file a current license and surety bond for $10,000 in accordance with the City of Mobile and State of Alabama Requirements. The bond is subject to the approval of City of Mobile Legal Department and shall be provided by a surety company qualified to do business in the State of Alabama.

(B) Such bond shall insure that the licensee complies with laws, ordinances and building regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the electrical business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

(C) The surety bond form must be signed by the master electrical certificate holder and the electrical contractor.

SECTION SIX: Criteria for Owners to Obtain Permit. For the purpose of this Code, homeowner's personally performing electrical work, on the residence that they occupy and own, may be allowed to obtain electrical permits for their residence upon passing an in-house test and execution of an electrical affidavit. Any individual other than the owner performing electrical work on a residential property is considered a contractor and shall meet the requirements of a contractor as set forth herein.

SECTION SEVEN: Vehicular Signs. All trucks and similar vehicles used by electrical contractors shall have signs on both sides of the body which include the full name, address, and telephone number of the firm to which it belongs. Lettering may be in any color in contrast to the color of the body, but letters identifying the firm name must be at least 1 ½ inches high (1 ½").

SECTION EIGHT: 2020 NATIONAL ELECTRICAL CODE > ARTICLE 90 Introduction> Add Paragraph 90.10 Administration. To read as follows:
90.10 Administration

(A) General. The provisions of this Code shall apply within the corporate limits of the City of Mobile, and to all City of Mobile owned property not located in the corporate limits of the City of Mobile, to electric conductors and equipment installed within or on public and private buildings and other premises, including parking lots, carnivals, yards and industrial sub-stations; also, the conductors that connect the installations to a supply of electricity, and other outside conductors adjacent to the premises. All electrical systems shall be properly permitted and inspected as required by this Code.

(1) Homeowner installations. Nothing in this Code shall prevent any homeowner from making an electrical installation within his/her own property boundaries, providing such electrical work is done by himself and is in a building used exclusively by him or his/her family. Such privilege does not convey the right to violate any of the provisions of this Code, nor is it to be construed as exempting any such property owner from obtaining a permit and paying required fees therefore.

(2) Liability. Nothing in the Electrical Code of the City of Mobile will be construed to relieve or lessen the responsibility or liability of any person, firm or corporation for injury or damage to any person or property caused by or resulting from any malfunction or defects of any nature in any electrical work performed by said person, firm, or corporation or in any electrical equipment owned, controlled, installed, operated, or used by them. Nor shall the City of Mobile, or any officer, agent, or employee thereof, incur or be held as assuming any liability by reason or in consequence of any permit, permission, certificate of inspection, inspection, or approval authorized therein, or issued or given as herein provided or by any reason or consequence of any actions done or acts performed pursuant to any provision of this Code.

(B) Applicability. General. 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.

(1) Other laws. The provisions of this Code shall not be deemed to nullify any provisions of local, state, or federal law.

(2) Energy Conservation: Where referenced, the International Energy Conservation Code shall be the energy code adopted and enforced by the State of Alabama.

(3) Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section, or provision of this Code.

(4) Referenced Codes and Standards. The Codes and standards referenced in this Code shall be considered part of the requirements of this Code to prescribed extent of each such reference. Where differences occur between provisions of this Code and referenced Codes and standards, the provisions of this Code shall apply.

Exception: Where enforcement of a Code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

(5) Partial Invalidity. In the event any part or provision of this Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(6) Existing Structures. The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as is specifically covered in this Code, the International Property Maintenance Code,

International Existing Building Code, or the International Fire Code, or as is deemed necessary by the Code Official for the general safety and welfare of the occupants and the public.

(a) Except as otherwise provided in this Code, it shall not be required to remove, alter, or abandon, or prevent the continued utilization and maintenance of existing electrical systems and equipment lawfully in existence at the time of the adoption of this Code.

(b) Electrical systems, equipment, materials and appurtenances, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. Devices or safeguards that are required by this Code shall be maintained in compliance with the Code addition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of the electrical systems and equipment. To determine compliance with this provision, the Code Official shall have the authority to require that the electrical systems and equipment be re-inspected.

(7) Additions, Alterations or Repairs. Additions, alterations, or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this Code, unless otherwise stated. Additions, alterations, or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

(8) Historic Buildings. The provisions of this Code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings, including those listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic Places or eligible for listing in the Alabama Register of Landmarks or the National Register of Historic Places, when such buildings or structures are judged by the Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

(9) Adoption of the National Code. All electrical work and all materials and appliances used in connection therewith done within the City of Mobile shall conform to the requirements and provisions of the *2020 National Electrical Code*, except as changed by the provisions hereof, which said requirements and provisions are hereby adopted and approved as a part thereof.

(10) Approved materials. All electrical materials, wiring devices, signs, appliances, and equipment used in electrical installations in the City of Mobile whether wholesale or retail in nature shall bear listing label of a nationally recognized testing laboratory or be approved by Build Mobile, Electrical Inspection Unit of the City of Mobile.

(11) Establishment of Special Flood Hazard Areas. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in the most current adopted Flood Insurance Study entitled "The Flood Insurance Study for Mobile County, Alabama and Incorporated Areas", as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

(a) The adopted "Storm Water Management and Flood Control Ordinance", flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section. Where there is a difference between the ordinances relating to flood hazard areas, flood hazard map, supporting data or Code, the more stringent provision shall prevail.

(b) The variance and appeal procedure shall be in accordance with the applicable sections of the adopted "Storm Water Management and Flood Control Ordinance" which is administered and enforced by the City of Mobile Engineering Department.

(11) Change of Occupancy. The provisions of the 2020 National Electrical Code shall apply to all buildings undergoing change of occupancy.

(C) Electrical Inspection Unit. The Electrical Inspection Unit is hereby created and the official in charge shall be known as the Code Official.

(1) General. The function of the Electrical Inspection Unit shall be to assist the Code Official in the administration and enforcement of the provisions of this Code.

(2) Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint a Deputy Code Official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Code Official.

(3) Restrictions on Employees. No officer or employee connected with the Electrical Inspection Unit, except one whose only connection is a member of the board established by this Code, shall be financially interested in the furnishing of labor, material, or appliances for the construction, authorization, or maintenance of a building. No such officer or employee shall engage in any work, which is inconsistent with his/her duties or with the interest of the unit.

(4) Liability. The Code Official or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

(5) Identification. The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

(6) Department Records. The Code Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public record.

(D) Duties and Powers of the Code Official.

(1) General. The Code Official is hereby authorized and directed to enforce the provisions of this Code. The Code Official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

(2) Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this Code, or where the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Code which makes the structure or premises unsafe, dangerous or hazardous, the Code Official or duly authorized representative, is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises

and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.

(3) Notices and Orders. The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

(4) Suspension or Revocation. The Code Official is authorized to suspend or revoke a permit issued under the provisions of this Code wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this Code.

(5) Interference with Code Official. It shall be unlawful for any person to interfere with the Code Official or any of his/her duly authorized representatives when they are performing any of their duties as set out in this Code or in other ordinances of the City of Mobile.

(E) Approval.

(1) Notices. Upon the completion of the Electrical wiring of any building, and/or upon the completion of any alteration or change or repair, it shall be the duty of the contractor doing the electrical work to notify the Code Official or his/her duly authorized representative that such work is completed, who shall then inspect or cause such wiring or appliances to be inspected, and if approved by him, shall issue and attach a certificate of approval.

(2) Certificate of Approval. It shall be unlawful to use or permit the use of, or to supply current for electric wiring for light, heat or power in a building or structure unless the required certificate of approval has been issued; provided, however, the Code Official or his/her duly authorized representative may in his/her discretion give temporary permission for a reasonable time to supply and use current in parts of an electrical installation before such installation has been fully completed and the Certificate of Approval issued.

(3) Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason makes the strict letter of this Code impractical, and that the modification is in compliance with the intent and purpose of this Code, and does not lessen health, life, and fire-safety requirements. The details of action granting modifications shall be recorded and entered in the file of Electrical Inspection.

(4) Alternative Material, Methods, Equipment and Appliances. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method of work is for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability, and safety.

(5) Required Testing. Wherever there is insufficient evidence of compliance of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests as evidence of compliance to be made at no expense to the City of Mobile.

(6) Approved Materials and Equipment. All materials, equipment and devices approved by the Code Official shall be constructed and installed in accordance with such approval.

(7) Material, Equipment and Appliance Reuse. Materials, equipment, appliances, and devices shall not be reused unless such elements have been reconditioned, tested, and placed in good and proper working condition and approved.

(F) Permits.

(1) Permits Required. Permits required by this Code shall be obtained from the Code Official. Permit fees, if any, shall be paid prior to the issuance of the permit. Issued permits shall be kept on the premises by the homeowner or contractor designated therein at all times and shall be readily available for inspection

(2) Permits Not Required. The following shall be exempt from the requirement for a permit:

(a) Listed cord and plug connected temporary decorative lighting.
(b) Reinstallation of attachment plug receptacles, but not the outlets therefore.
(c) Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.
(d) Temporary wiring for experimental purposes in suitable experimental laboratories.

(3) Emergency Repairs. When equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the code official.

(4) Application for Permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by Build Mobile for that purpose. Such application shall:

(a) Identify and describe the work to be covered by the permit for which application is made.
(b) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and locate the proposed building or work.
(c) Indicate the use and occupancy for which the proposed work is intended.
(d) Be accompanied by construction documents.
(e) State the valuation of the proposed work.
(f) Be signed by the applicant, or the applicant's authorized agent.
(g) Give such other data and information as required by the Code Official.
(h) Applicant must provide proper identification to verify ownership of property.
(i) Application for an electrical permit shall be granted only to homeowner, or to a licensed and bonded electrical contractor.

(5) Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Code Official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(6) Action on Application. The Code Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Code Official shall reject such application in writing, stating the reasons therefore. If the Code Official is satisfied that the proposed work conforms to the requirements of this Code and laws and ordinances applicable thereto, the Code Official shall issue a permit therefore as soon as practicable.

(7) Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(8) Placement of Permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.

(9) Plans and Specifications. Plans and specifications must meet the requirements of Section 107 of the Ordinance of the City of Mobile adopting the 2021 edition of the International Building Code.

(10) Schedule of Fees. On all electrical installations requiring an electrical permit, a fee for each electrical permit shall be paid as required at the time of application, in accordance to the "Building Codes Permit Fee Schedule Ordinance" as adopted by separate ordinance.

(11) Fee Refunds. Permit refunds shall be in accordance with the "Building Codes Permit Fee Schedule Ordinance" as adopted by separate ordinance.

(G) Inspections and Testing.

(1) Inspection Required. During and upon completion of any installation, alteration, or extension of an electrical wiring system, the Code Official shall inspect the work to assure compliance with the electrical Code.

(2) Concealed Work. During and upon completion of any installation, alteration, or extension of an electrical wiring system, the Code Official shall inspect the work to assure compliance with the electrical Code.

(3) Conformity. The Code Official shall within a reasonable time after notice of the completion of the electrical wiring for which a permit is required by this Code, make, or cause to be made an inspection of such work and such tests as may be necessary to determine that it conforms to the Code.

(4) Re-inspection. The Code Official may conduct any re-inspection in the interest of public safety. If an electrical wiring system is found to be defective and unsafe, the Code Official shall revoke all certificates relating to such systems, and the use of such system shall be discontinued until compliance is achieved and a new certificate issued.

(5) Defective Work. If an electrical wiring system upon re-inspection is found to be defective and unsafe, the Code Official or his/her duly authorized representative shall revoke all certificates in effect at that time relating to such systems; and the use of such electrical wiring system shall be discontinued until it has been made to conform to this Code and a new certificate of approval has been issued by the Code Official or his/her duly authorized representative.

(6) Certificate of Approval. Upon the making of the final inspection of an electrical wiring system, if the same be approved, then the Code Official or his/her duly authorized representative shall issue or cause to be issued a certificate of approval, as hereinafter provided, and the same shall be attached to the electrical wiring system.

(7) Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Code Official. The Code Official upon notification shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until approved.

(8) Underground Inspection. Underground inspection is to be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

(9) Rough-in Inspection. Rough-in inspection is to be made after the roof, framing fire-blocking, bracing and rough wiring is in place and prior to the installation of wall or ceiling membranes.

(10) Final Inspection. Final inspection is to be made after the building is complete, all required fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(H) Connection or Reconnection of Services.

(a) No person shall make connections from a utility, source of energy or power to any building or system for which a permit is required, until approved by the Code Official.

(b) The Code Official shall have the sole authority to authorize and approve the temporary connection of the building or system to the utility source of energy or power.

(c) Whenever electrical service has been discontinued in a building or structure for a period exceeding six (6) months, the Code Official shall inspect the service equipment and readily accessible wiring before reconnection of the power supply.

(d) The Code Official shall have the authority to authorize disconnection of utility service to a building, structure or system regulated by this Code with the exception that, in the case of an emergency threatening immediate hazard to life or property, a utility connection may be made without prior approval. The Code Official shall notify the serving utility, and if possible, the owner and occupant of the decision to disconnect before the disconnection is affected.

(I) Violation Penalties. Amend as follows:
(I) Violation Penalties.
(1) Persons who shall violate a provision of the 2020 National Electrical Code (NEC), as amended, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair electrical work in violation of the approved construction documents or directive of the Code Official or of a permit or certificate issued under the provisions of this Code shall be prosecuted, and upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00). In addition, thereto, at the discretion of the court trying the case, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period not exceeding six (6) months. Other penalties in accordance with Chapter 1 of the Mobile City Code may also apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Notwithstanding any other provision of law, the maximum penalty for every person convicted of violating any of the following offenses are as follows:

1. A violation of any provision of **ARTICLE FOUR: Contractors Criteria and Qualifications,** of this Ordinance, shall be a $500 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. A violation of any provision of **ARTICLE SEVEN: Vehicular Signs,** of this Ordinance, shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3. Any act to impede, delay, deceive, obstruct, hinder, disturb or interfere in any manner with the Code Official in the execution of the Code Official's duties shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(2) The Code official shall serve a Notice of Violation (NOV) or order to the person responsible for erection, installation, alteration, extension, repair, removal, or demolition of electrical work in violation of the provisions of this Code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(3) Upon notice from the Code Official that electrical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing with a Stop Work Order (SWO) and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the electrical system after having been served with a SWO, except such work as that person is directed to perform

to remove a violation or unsafe condition, shall be subject to issuance of a Municipal Offence Ticket (MOT).

(J) Regulation of Master Electricians.

(1) Every electrical contractor, including joint ventures, must have continuously in his/her employment, a Master Electrician with a valid certificate of competency. All joint venture contractors shall submit proof of continuous employment of a certified master electrician as required by the Board of Electrical Examiners. Whenever any Master Electrician leaves the employment of an electrical contractor it shall be the duty of such contractor to immediately notify the City of Mobile Board of Electrical Examiners.

(2) Every holder of a certificate of competency as a Master Electrician shall notify the Board of Electrical Examiners as to his/her place of employment or any change in employer.

(3) In the event of death of the "Active" Master Electrician of record employed by a contractor, the contractor shall be permitted to continue operations on previously permitted projects, not to exceed one hundred eighty (180) days. At the end of this period, the contractor will be required to employ exclusively a new holder of an "active" master's certificate.

(4) No master electrician shall allow his/her name to be used by any other person, firm, or corporation for the purpose of obtaining a permit to do electrical work or for the purpose of doing electrical work under the master electrician’s license.

(K) Regulation of Journeyman Electricians.

(1) It shall be unlawful for any journeyman to do any electrical work unless he/she is doing such work under the direct supervision of a holder of a certificate of competency as a master electrician.

(2) It shall be unlawful for a journeyman to allow any person employed as a helper / apprentice, or trainee to do any electrical work, except under the direct supervision of a master or journeyman.

(3) A minimum of one (1) journeyman must be present on each construction site. Additional journeymen shall be required at the discretion of the Code official.

(L) Regulation of Low Voltage Contractors.

(1) All installations of low voltage systems, both hardwired and wireless, (i.e., sound, radio and television receiving equipment, burglar alarm systems, telephone fire alarm systems and audio systems) shall comply with the standards of safety as approved and amended by a nationally recognized testing laboratory, the provisions of which are incorporated herein and made a part hereof by reference.

(2) Low Voltage Contractors must be licensed by the Alabama Electronics Security Board and must be issued a limited certificate of competency by the City of Mobile. Work performed under the certificate shall be limited to the specific installation specified on the certificate.

(3) Low Voltage Contractors shall not be authorized to connect low voltage systems to a structure’s light, power, or electrical heating systems.

(M) Construction Board of Appeals. The Board of Appeals, herein called the Construction Board of Appeals, shall be in accordance with the applicable sections of the International Building Code and the Ordinance Adopting the International Building Code which is adopted by separate ordinance.

(N) Unsafe Buildings and Equipment. All unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the International Property Maintenance Code
and applicable ordinances.

SECTION NINE: 2020 NATIONAL ELECTRICAL CODE > CHAPTER 1 General > Article 100 Definitions > Part I. General. To be amended as follows:

Add the following definitions to read as follows:

Certificate of Competency. Shall mean the certificate issued by the Board of Electrical Examiners which shall qualify the holder to perform the designated electrical services within the jurisdiction of this Code.

Code Official. The officer or other designated authority charged with the administration and enforcement of this Code, or a duly authorized representative.

Department. Shall mean Build Mobile of the City of Mobile.

Electrical Code. Shall mean the National Electrical Code adopted herein as well as the additional Code sections in Chapter 19 of the City of Mobile Code.

Electrical Contractor. Shall mean a person, firm, or corporation engaged in the business of electrical contracting. An electrical contractor must be under the direction of a "Master Electrician."

Electrical Fence. Shall mean a barrier that uses electrical shocks to deter animals or people from crossing a boundary.

Electrical Official. Shall mean the Code Official in the Build Mobile Department of the City of Mobile. If the Code Official authorizes a designee to enforce provisions of this Code, the actions of the authorized representative shall have the same full force and effect as those of the Code Official.

Flood Hazard Area. The area designated as a flood hazard area in accordance with the “Storm Water Management and Flood Control” Ordinance adopted and administered by the City of Mobile’s Engineering Department.

Helper and Apprentice. A person who is employed to assist in electrical installations and is not recognized as a qualified Journeyman or Master Electrician.

Historic Building. Any building or structure that is listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic Places; designated as a historic property under local or state designation; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed in the Alabama Register or the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

Journeyman Electrician. Shall mean a person who possesses the necessary qualifications, training, and technical knowledge to install electrical wiring, apparatus, or equipment for light, heat, or power, and who is qualified under the terms and provisions of this Code, and who shall be capable of doing electrical work according to the plans and specifications furnished, and in accordance with the standard rules and regulations governing wiring installations in the City of Mobile

Low Voltage Contractor. Shall mean a person licensed by the Alabama Electronics Security Board to perform electrical work of 50 volts or less for installations of sound, radio and television receiving equipment, smoke, fire, burglary and other security alarm and recordation systems, banking, photographic, merchandising, dispensing, cleaning, and other electrical and electronic systems, provided these systems are not attached to the

electrical wiring system of the building or structure. A Low Voltage Contractor is eligible for a limited certificate of competency issued by the Board of Electrical Examiners.

Master Electrician. A person who possesses the necessary qualifications, training, and technical knowledge to plan, lay out, and supervise the installation of electrical wiring, apparatus or equipment for light, heat, or power, and who is qualified under the provisions of this Code with the required certificate of competency from the State of Alabama.

Qualified Person. Any person qualified under the terms and provisions of this Code to perform electrical work, including any homeowner who desires to perform electrical work on his/her premises in accordance with the terms and provisions of this Code.

Regular Licensing Period. Shall date from January 1 to March 1 each year and is the period during which licenses under this Code chapter may be acquired.

Repairs. Shall mean repairs to or replacement of wiring devices, ballasts, securing conduits, and cables, re-splicing, re-insulating, guarding, etc. Replacement of conduits, feeders, and branch circuit conductors and the relocation of receptacles, switches, and outlets shall be considered as new installations, not repairs.

Service Repairs. Shall mean repairs to the panels and metering enclosures, electrode grounding system, and to the wiring system and raceways from the main breaker or main lug to the point of connection to the utility company wire.

2020 NATIONAL ELECTRICAL CODE > CHAPTER 1 General > Article 110 Requirements for Electrical Installations. > Part I. General. > 110.8 Wiring Methods. To be amended as follows:

110.8 Wiring Methods. Amend to read as follows:
110.8 Wiring methods. Only wiring methods recognized as suitable are included in this Code. The recognized methods of wiring shall be permitted to be installed in any type of building or occupancy except as otherwise provided in this Code. When rewiring, renovating, or upgrading a wiring system, it shall be the responsibility of the electrical contractor to remove all obsolete and abandoned equipment, wiring, and conduits, when practical.

2020 NATIONAL ELECTRICAL CODE > CHAPTER 1 General > Article 110 Requirements for Electrical Installations. > Part II. 1000 Volts, Nominal, or Less. > 110.26 Spaces About Electrical Equipment. > 110.26(E) Dedicated Equipment Space. > 110.26(E)(1) Indoor. To be amended as follows:

(1) Indoor. Indoor installations shall comply with 110.26(E)(1)(a) through (E)(1)(e).

Add Paragraph 110.26(E)(1)(e) Sprinkler head shields. To read as follows:

110.26(E)(1)(e). Sprinkler head shields. All sprinkler heads installed in electrical equipment rooms must be shielded to prevent water from entering the electrical panel.

SECTION TEN: 2020 NATIONAL ELECTRICAL CODE > CHAPTER 2 Wiring and Protection > Article 210 Branch Circuits > Part I. General Provisions > 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel. > 210.8(F) Outdoor Outlets. To be amended as follows:

Add Exception 2. Ground-fault circuit-interrupter protection shall not be required for listed HVAC equipment. This exception shall expire September 1, 2026.

2020 NATIONAL ELECTRICAL CODE > CHAPTER 2 Wiring and Protection > Article 210 Branch Circuits > Part II. Branch-Circuit Ratings > 210.19 Conductors – Minimum Ampacity and Size. > 210.19(A) Branch Circuits Not More Than 600 Volts. > 210.19(A)(3) Household Ranges and Cooking Appliances. To be amended as follows:

Add Paragraph 210.19(A)(3)(a) Conductors- Minimum Ampacity and Size. To read as follows:
The branch circuit conductors of a range or combination cook top and oven circuit shall be sized according to manufacturer instructions or shall not be smaller than AWC#6, copper or equivalent.

2020 NATIONAL ELECTRICAL CODE > CHAPTER 2 Wiring and Protection > Article 230 Services > Part II. Overhead Service Conductors. > 230.28 Service Masts as Supports. > 220.28(A) Strength. > To be amended as follows:

230.28(A) Strength. The service mast shall be of adequate strength or be supported by braces or guy wires to withstand safely the strain imposed by the service-drop or overhead service conductors. Hubs intended for use with a conduit that serves as a service mast shall be identified for use with service entrance equipment. If a service mast is used for the attachment and support of service drop conductors, it shall consist of rigid steel conduit or equivalent, not less than two (2) inches (trade size) in diameter.

2020 NATIONAL ELECTRICAL CODE > CHAPTER 2 Wiring and Protection > Article 230 Services > Part VI. Service Equipment – Disconnecting Means > 230.70 General. > 230.70(A) Location. > 230.70(A)(1) Readily Accessible Location. To be amended as follows:

Article 230 Services > Part VI. Service Equipment – Disconnecting Means > 230.70 General. > 230.70(A) Location. > 230.70(A)(1) Readily Accessible Location. To be amend as follows:

230.70(A)(1) Readily Accessible Location. Except as hereinafter specified, every building or structure in which electricity is used for light, heat, or power, shall have the main service disconnect or disconnects located as nearly as practicable to an outside service entrance. This location shall be accessible to police, fire fighter, and all occupants of such building or structure.

2020 NATIONAL ELECTRICAL CODE > CHAPTER 2 Wiring and Protection > Article 250 Grounding and Bonding > Part VI. Equipment Grounding and Equipment Grounding Conductors > 250.112 Specific Equipment Fastened in Place (Fixed) or Connected by Permanent Wiring Methods. To be amend as follows:

250.112 Specific Equipment Fastened in Place (Fixed) or Connected by Permanent Wiring Methods.
Except as permitted in 250.112(F) and (I), exposed, normally non-current-carrying metal parts of equipment described in 250.112(A) through (K), and normally non-current-carrying metal parts of equipment and enclosures described in 250.112(L) through (N) shall be connected to an equipment grounding conductor, regardless of voltage.

Add 250.112(N) Flexible Conduits. Separate grounding conductors shall be used for all flexible conduits enclosing branch circuit conductors of electrical appliances and equipment.

SECTION ELEVEN: 2020 NATIONAL ELECTRICAL CODE >CHAPTER 3 Wiring Methods and Materials > Article 344 Rigid Metal Conduit: Type RMC > Part II. Installation > 344.10 Uses Permitted. > 344.10(D) Wet Locations. To be amend as follows:

344.10(D) Wet Locations. All supports, bolts, straps, screws, and so forth, shall be corrosion-resistant materials or protected against corrosion by corrosion-resistant materials. All conduits, installed in ground floor slabs, underground and on top of floors in damp and wet locations must be (PVC) non-metallic rigid conduit or galvanized (or equal) rigid steel construction.

SECTION TWELVE: 2020 NATIONAL ELECTRICAL CODE > CHAPTER 4 Equipment for General Use. > Article 422 Appliances > Part III. Disconnecting Means > 422.31

Disconnection of Permanently Connected Appliances. 422.31(A) Rated at not over 300 Volt-Amperes or 1/8 Horsepower. To be amended as follows:

Add paragraph 422.31(A)(1) Water Heaters. To read as follows:
422.31(A)(1) Water Heaters. A means of disconnecting an electric hot water supply system from its power supply shall be provided. A disconnect switch shall be provided in accordance with the 2020 National Electrical Code. Required electrical disconnect shall be located within 6 feet (1524mm) of the water heater, no higher than 6 feet above the floor, and with an identifying label.

SECTION THIRTEEN: 2020 ELECTRICAL CODE > CHAPTER 5 Special Occupancies > Article590 Temporary Installations > 590.4 General. To be amended as follows:

Add 590.4(K) Adequate Load. Temporary services shall be adequate for any load that may be connected and properly identified.

SECTION FOURTEEN: 2020 NATIONAL ELECTRICAL CODE > CHAPTER 6 Special Equipment > Article 680 Swimming Pools, Fountains and Similar Installations > Part II. Permanently Installed Pools. > 680.23 Underwater Luminaries. > 680.23(A) General. > 680.23(A)(4) Voltage Limitation. To be amended as follows:

(4) Voltage Limitation. No luminaries shall be installed for operation on supply circuits over 50 volts between conductors

SECTION FIFTEEN: SEPARATION CLAUSE. If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The City Council of the City of Mobile hereby declares that it would have passed this Code and each section, subsection, clause, or phase thereof, irrespective of the fact that any one or more sections, subsections, sentences, or phrases be declared unconstitutional.

The ordinance was read by the City Clerk; whereupon Councilmember Jones moved that the ordinance be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

ORDINANCE TO ADOPT A FIRE CODE FOR THE CITY OF MOBILE. The following ordinance was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

ORDINANCE: 22-049-2022

Sponsored by: Mayor Stimpson

ARTICLE ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2021 Edition of the International Fire Code and Appendices B, C, and D, along with the amendments to the same contained in this Ordinance, has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama on **November 8, 2022**, is hereby adopted as the "Fire Code of the City of Mobile." The ordinance will become effective sixty (60) days after adoption by the City Council.

ARTICLE TWO: Published Ordinance. A copy of this Ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said *2021 International Fire Code* to be published in a newspaper, nor shall the same be spread at length upon the minutes of this Council, but this Ordinance shall be recorded in said minutes.

ARTICLE THREE: Effective Date. The said *2021 International Fire Code* shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

ARTICLE FOUR: Contractors Criteria and Qualifications. For the purpose of this Ordinance the term 'contractor' will hereinafter refer to Fire Protection System Contractor as defined and added by ARTICLE EIGHT in SECTION 202 GENERAL DEFINITIONS. Criteria and qualifications for fire protection system contractors shall be set forth herein.

Fire Protection System Contractor Responsibilities. It shall be the duty of every contractor who shall make contracts for the design, installation and/or replacement of components of fire protection systems, for which a permit is required, to be properly certified, licensed and bonded in accordance with all of the City of Mobile and State of Alabama requirements. The fire contractor shall register his name with the Community Risk Reduction Division of Mobile City Fire and Rescue Department upon application for annual permit, giving full name, residence, and place of business, and, in case of removal from one place of business to another to have made corresponding change in said application record accordingly.

ARTICLE FIVE: Surety Bond. In addition to the requirements as set forth herein, it shall be the duty of every contractor and sub-contractor to provide and have on file a current license and permit bond for ten thousand dollars ($10,000.00). The bond is subject to the approval of the city legal department and shall be provided by a surety company qualified to do business in the state of Alabama. Such bond shall insure that the licensee complies with laws, ordinances and regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

ARTICLE SIX: Vehicular Signs. All trucks and similar vehicles used by contractors and subcontractors shall have signs on both sides of said vehicles indicating the full name, address, and telephone number of the firm to which it belongs. Lettering may be any color in contrast to the color of the body and be at least one and one-quarter (1¼) inches tall. .

ARTICLE SEVEN: 2021 INTERNATIONAL FIRE CODE > Part I-Administrative > CHAPTER I SCOPE AND ADMINISTRATION > PART 1 – GENERAL PROVISIONS > Amend as follows:

SECTION 101 SCOPE AND GENERAL REQUIREMENTS – Amend as follows:

101.1 Title. Amend to read as follows:
101.1 Title. These regulations shall be known as the Fire Code of the City of Mobile, Alabama, herein after referred to as, "this Code."

Add sub-paragraph 101.2.1.1 Adopted Appendices.
101.2.1.1 Adopted Appendices. The following appendices shall be adopted:

1. Appendix B - Fire Flow Requirements for Buildings.

2. Appendix C - Fire Hydrant Locations and Distribution.

3. Appendix D - Fire Apparatus Access Roads, except for section D107 which is not adopted.

4. Appendix I – Fire Protection System – Noncompliant Conditions

5. Appendix N – Indoor Trade Shows and Exhibitions .

SECTION 102 APPLICABILITY – Amend as follows:

102.4 Application of building code. Amend to read as follows:

Add sub-paragraph 102.4.1 Application of the property maintenance code. To read as follows: **102.4.1 Application of the property maintenance code.** The provisions of the *2021 International Property Maintenance Code* and adopted ordinances shall apply to existing structures and premises: equipment and facilities; light, ventilation, space, heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing structures and premises.

Add sub-paragraph 102.4.2 Application of the electrical code. To read as follows:
102.4.2 Application of the electrical code. The provisions of the *2020 National Electrical Code* and adopted ordinances shall apply to the installation, alterations, repairs and replacement of electrical systems, including equipment, fixtures, fittings and/or appurtenances.

Add sub-paragraph 102.4.3 Application of the mechanical code. To read as follows:
102.4.3 Application of the mechanical code. The provisions of the *2021 International Mechanical Code* and adopted ordinances 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 related systems.

Add sub-paragraph 102.4.4 Application of the plumbing code. To read as follows:
102.4.4 Application of the plumbing code. The provisions of the *2021 International Plumbing Code* and adopted ordinances shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fitting and appurtenances, and were connected to a water or sewage system.

Add sub-paragraph 102.4.5 Application of the existing building code. To read as follows: **102.4.5 Application of the existing building code.** The provisions of the *2021 International Existing Building Code* and adopted ordinances shall apply to existing structures and premises: equipment and facilities; light, ventilation, space, heating, sanitation, life, and fire safety hazards.

Add sub-paragraph 102.4.6 Application of the fuel gas code. To read as follows:
102.4.6 Application of the fuel gas code. The provisions of the *2021 International Fuel Gas Code* and adopted ordinances shall apply to the design and installation of new and existing fuel gas systems gas fired appliances.

SECTION 107 FEES – Amend as follows:

107.2 Schedule of permit fees. Amend to read as follows:
107.2 Schedule of permit fees. On all buildings, structures, facilities and operations requiring a permit, a fee for each permit shall be paid as required at the time of filing the application, in accordance with the Fire Code Permit Fee Schedule Ordinance as established by the City of Mobile and adopted in a separate ordinance.

Add sub-paragraph [A] 107.2 Schedule of fire code permit fees. To read as follows:
On conducting an operation or business, or installation or modification of any fire protection system and equipment which is regulated by the fire code, a permit fee for each required permit shall be paid at the time of receiving the permit. The applicable permit fees required by the city shall be determined in accordance with the schedule of fees as listed and do not include fees required by other departments or agencies (see subsection (a) applicability).

Work exempt from permit. Any exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Fire code permits fees. The fees established by the city fire code must be collected at time the permit is received. A one dollar ($1.00) permit issuance fee shall be assessed to all permits issued.

Other permit fees. Where no permit fees are listed the city shall determine the required permit fee.

Operational and business permit fees. These fees are based on the operation or business conducted and the prescribed period before permit is renewed or revoked.

Operation/Business	Frequency	Criteria	Fee
Firework display, indoor	Single event		$61.00
Firework display, outdoor	Single event		121.00
Ceremonial bonfire	Single event		No fee
Amusement building	Seasonal		No fee
Aboveground fuel storage tank	Annual	60 to 1,000 gallons	91.00
Aboveground fuel storage tank	Annual	1,001 to 6,000 gallons	141.00
Aboveground fuel storage tank	Annual	6,001 to 12,000 gallons	181.00
Aboveground fuel storage tank	Annual	Above 12,000 gallons	241.00

Fire protection system contractor annual permit fee. Certified fire protection system contractors are required to hold an annual permit with the Community Risk Reduction Division. A State Fire Marshal's Certificate, City of Mobile Business License and Liability insurance in the amount of 1,000,000.00 with the City of Mobile as the certificate holder is required for the annual permit.

Contractor Specialty	Frequency	Criteria	Fee
Emergency Responder Radio Coverage	Annual	Training & FCC Certifications	$241.00
Fire alarm system contractor	Annual	State fire marshal certificate	241.00
Automatic sprinkler system	Annual	State fire marshal certificate	241.00
Kitchen hood suppression system	Annual	Training certificates	241.00
Clean agent system	Annual	Training certificates	241.00
Portable fire extinguisher	Annual	Training certificates	241.00

Fire protection system and equipment permit fee. The installation, alteration, reconstruction, or repair of any fire protection system or equipment requires a permit. These permits are computed based on the following variables.

Fire Alarm System		Add	Add
Emergency Responders Radio Coverage	$151.00		
New installation	$151.00	$1.00 per appliance/device	$25.00 per floor above 3rd
Existing 3—25 appliance/devices	101.00	N/A	N/A
Fire alarm control panel	151.00	N/A	N/A

Sprinkler System	Fee	Add	Add
New installation	$151.00	$1.00 per sprinkler head	$25.00 per floor above 3rd
Existing 3-25 heads	101.00	N/A	N/A
Fire pump	121.00	N/A	N/A
Standpipe	121.00	5.00 for each hose connection	N/A
Private fire hydrant	241.00	50.00 per additional hydrant	N/A
Underground piping	241.00	241.00 per additional riser	N/A
Alternative suppression	151.00	N/A	N/A
Sprinkler head replacement >25	151.00	$1.00 per sprinkler head	$25.00 per floor above 3rd

Plan review fees. Building Plan Review fees for all commercial structures and facilities: $170.00.

(1) This fee includes the initial submission and one (1) revision or corrected submittal (with clouded revisions).

(2) Any third or subsequent submittals on the same project shall be charged an additional

eighty-five dollars ($85.00) per submission.

(3) Other plan review fees. Where no plan review fees are listed the city shall determine the required plan review fee.

Inspection fees.
(1) Re-inspection.... $61.00
(2) After hour and weekend inspections, (4 hour minimum).... $200.00

(3) Cooking Concessions Operations / Food Trucks Inspection... $51.00

(4) Fire Protection Plan Review Re-Submittal Fee…… $61.00

Special Events Crowd Management Fees.

The event sponsor/planner shall be responsible for paying the cost for MFRD-Community Risk Reduction Division inspections and crowd management services at a rate of $35.00 per person per hour plus any additional fees incurred by the Community Risk Reduction Division. The event plan shall be forwarded to the CRR division for review at least 30 days prior to the event and the CRR division will determine the adequate amount of coverage needed and the cost of said coverage. The CRR division will provide the determined amount of coverage for the event.

Permit fee refund. The fire code official shall authorize the refunding of fees as follows:

(1) The full amount of any permit fee paid hereunder that was erroneously paid or collected. The fire code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee no later than one hundred eighty (180) days after the date of fee payment.

Failure to obtain permit $500.00

(Other penalties in accordance with chapter 1 of the Mobile City Code may also apply)

Request for information..... $61.00

Miscellaneous. There are no fire code permit fees for those items listed below. See the building code permit fee schedule ordinance, which is adopted by a separate ordinance.

(1) Certificate of occupancy (new or change or occupancy);
(2) Temporary certificate of occupancy;
(3) Construction board of appeals;
(4) Permit fee extension;
(5) A separate permit shall be required for each building or tenant unit for shell buildings;
(6) Whenever a sub-contractor is dismissed from a job;
(7) Dismissal of general contractor or homebuilder is dismissed;
(8) Adjusted valuation of all construction including [, but not limited to, cost overrun(s) and change order(s)].

107.3 Permit valuations. – Delete in its entirety.

Add sub-paragraph 107.3 Applicability. To read as follows:
107.3- Applicability. This section applies to permit fees charged by the city for compliance with the fire code adopted by the city listed herein unless otherwise exempted. Permits may be required by other departments and agencies including but not limited to the following:

City engineering;
Urban forestry;
Historic development;
Alabama Power Company;
Urban development;

Mobile Area Water & Sewer Service;
City revenue;
Mobile Gas Corporation;
Right-of-way;
Mobile County Health Department;
Traffic engineering;

107.6 Refunds. Amend to read as follows:

107.6 Refunds. Fire Code permit refunds shall be issued in accordance with the policies spelled out in the "Fire Code Permit Fee Schedule Ordinance" as adopted in a separate ordinance.

SECTION 109 MAINTENANCE Amend as follows:

Add paragraph 109.3 Recordkeeping. To read as follows:

A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained on the premises or other approved location for not less than 3 years, or a different period of time where specified in this code or referenced standards. Records shall be made available for inspection by the fire code official, and a copy of the records shall be provided through the **Mobile Eyes Contractor Portal.**

Residential Group R-1 and R-2. Residential Group R-1 and R-2, (Apartments, Hotels and Motels, non-transient and transient residential occupancies) property owners shall submit a quarterly report via Mobile Eyes Contractor Portal, to include smoke alarm operational condition, clothes dryer vent cleaning and fire extinguisher inspections. Fire hydrant annual testing shall be conducted by a fire sprinkler contractor and included in the report.

The fire code official is authorized to prescribe the form and format of such recordkeeping. The fire code official is authorized to require that certain required records be filed with the fire code official.

SECTION 111 MEANS OF APPEALS - Delete in its entirety.

Add SECTION 111 BOARD OF APPEALS. To read as follows:

SECTION 111 BOARD OF APPEALS
Add paragraph 111.1 Construction Board of Appeals. To read as follows:
111.1 Construction Board of Appeals. The Board of Appeals, herein called the Construction Board of Appeals, shall be in accordance with the applicable sections regarding appeals of the International Building Code and the Ordinance Adopting the International Building Code.

SECTION 112 VIOLATIONS > Amend as follows:

112.4 Violation penalties. Amend to read as follows:
112.4 Violation penalties. Persons who shall violate a provision of the *2021 International Fire Code* (IFC), as amended, or shall fail to comply with any of the requirements thereof or who shall erect, install and/or replace components of fire protection systems in violation of the approved construction documents or directive of the Code Official or of a permit or certificate issued under the provisions of this code shall be prosecuted, and upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00). In addition, thereto, at the discretion of the court trying the case, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period not exceeding six (6) months. Other penalties in accordance with Chapter 1 of the Mobile City Code may also apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Notwithstanding any other provision of law, the maximum penalty for every person convicted of violating any of the following offenses are as follows:

1. A violation of any provision of **ARTICLE FOUR: Contractors Criteria and**

Qualifications, of this Ordinance, shall be a $500 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. A violation of any provision of **ARTICLE SEVEN: Vehicular Signs**, of this Ordinance, shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3. Any act to impede, delay, deceive, obstruct, hinder, disturb, or interfere in any manner with the Code Official in the execution of the Code Official's duties shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE EIGHT: 2021 INTERNATIONAL FIRE CODE > CHAPTER 2 DEFINITIONS > Amend as follows:

SECTION 202 GENERAL DEFINITIONS > Amend to read as follows:

FIRE PROTECTION SYSTEM CONTRACTOR - Contractors approved and holding an annual permit issued through the Community Risk Reduction Division of the City of Mobile Fire and Rescue Department meeting the requirements of Section 901 Fire Protection Systems and the State of Alabama.

HISTORIC BUILDINGS - Any building or structure that is listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic Places; designated as a historic property under local or state designation; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed in the Alabama Register or the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

OCCUPANCY CLASSIFICATION > Group R. Residential – Amend to read as follows:

Single Family Residence. Buildings that do not contain more than two dwelling units, detached from other structures and occupied by a single, blood or marriage related, family unit.

ARTICLE NINE: 2021 INTERNATIONAL FIRE CODE > Part II – General Safety Provisions >CHAPTER 3 GENERAL REQUIREMENTS > SECTION 308 OPEN FLAMES > 308.1 General. Amend as follows:

308.1.4 Open flame cooking devices. Amend to read as follows:

308.1.4 Open flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on balconies or within 10 feet of combustible construction. The management of multifamily residential occupancies which have balconies, decks, or patios shall notify their tenants in writing of the prohibitions of open flame cooking devices on balconies as outlined in 308.1.4 of the fire code when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance.

308.1.4 Open flame cooking devices. Exceptions: Amend as follows:

Exceptions 2: Delete in its entirety.

Exceptions 3: Delete in its entirety.

ARTICLE TEN: 2021 INTERNATIONAL FIRE CODE > Part III – Building and Equipment Design Features > CHAPTER 5 FIRE SERVICE FEATURES > Amend as follows:

SECTION 503 FIRE APPARATUS ACCESS ROADS - Amend to read as follows:

503.6 Security Gates.
Installation of security gates across a fire apparatus road shall utilize a Knox Box, Knox electric gate system or Knox Pad-lock for rapid fire department entry into gated premises for new and existing access roads.

SECTION 506 KEY BOXES – Amend to read as follows:
506.1 Where required. To read as follows:
506.1 Where required. All buildings with a fire alarm and/or a fire protection system will require an approved Knox key box for rapid fire department entry into the building. Entry keys/cards to all parts of the building are required to be placed in the key box and shall be maintained in accordance to 506.2. and a Knox elevator key boxe shall be required for fire service keys and tools for new and existing elevators.

SECTION 507 FIRE PROTECTION WATER SUPPLIES > 507.5 Fire Hydrant Systems. >
507.5.1 Where required. > Amend as follows:

507.5.1.1 Hydrant for standpipe systems. Amend to read as follows:

507.5.1.1 Hydrant for automatic sprinkler systems and standpipe systems. Buildings equipped with an automatic sprinkler system or standpipe system shall have a fire hydrant located within 100 feet of the fire department connections.

ARTICLE ELEVEN: 2021 INTERNATIONAL FIRE CODE > CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS > Amend as follows:

SECTION 901 GENERAL > 901.2 Construction documents. - Amend as follows:
Add sub-paragraph 901.2.2 Professional certification requirements. To read as follows:
901.2.2 Professional certification requirements. All Fire Protection System Contractors shall obtain an annual permitted through the Community Risk Reduction Office. The certifications required for the Annual permit can be found on our website, www.cityofmobile.org/fire/divisions/community-risk-reduction, under documents. The fire protection system permit requirements do not relieve the permitted of additional qualifications and permits required from other adopted codes and ordinances.

901.9 Termination of monitoring service. Amend to read as follows:
901.9 Termination of monitoring service. For fire alarm systems required to be monitored by this code, notice shall be given to the fire code official whenever alarm monitoring services are terminated. The owner or owner designated representative shall be responsible for sending a notice of termination of service in writing attached to an email sent to the following email address.

To: firebureau@cityofmobile.org

Subject: Termination of Monitoring

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS > 903.2 Where required. > 903.2.10
Group S-2 parking garages. –Amend as follows:

903.2.10.1 Commercial Parking Garages. Amend to read as follows:

An automatic sprinkler system shall be provided throughout buildings used for the storage of commercial motor vehicles, RVs and Boats with a fuel capacity greater than 25 gallons, where the fire area exceeds 5000 square feet.

Section 903.4 Sprinkler system supervision and alarms. Amend to read as follows:

903.4 Sprinkler system supervision and alarms. Valves controlling water supply for

automatic sprinkler systems, pumps, tanks, water levels and temperature, critical air pressures and waterflows switches on all sprinkler systems, new and existing, shall be electrically supervised by a listed fire alarm control unit.

SECTION 904 ALTERNATIVE AUTOMATIC FIRE EXTINGUISHING SYSTEMS – Amend as follows:

904.13 Commercial cooking systems. Amend as follows:
Sub-paragraph 5. Delete in its entirety.

SECTION 912 FIRE DEPARTMENT CONNECTIONS – 912.4 Access. –Amend as follows:

912.4.1 Locking fire department connection caps. Amend to read as follows:
912.4.1 Locking fire department connection caps. Locking caps are required on fire department connections for water-based fire protection systems unless the connection is located inside a security guard-maintained, fenced facility and the fire code official has approved the site.

912.6 Backflow protection. Amend to read as follows:
912.6 Backflow protection. The potable water supply to fire protection systems shall be protected against backflow as required by the International Fire Code and the Mobile Area Water and Sewer Service. Backflow preventers shall be protected from freezing by being insulated if outdoors or installed in a climate-controlled environment if indoors.

SECTION 913 FIRE PUMPS–Amend as follows:

913.2 Protection against interruption of service. Amend to read as follows:
913.2 Protection against interruption of service. As required by the Authority Having Jurisdiction, occupancies where life safety is at risk such as residential, institutional and other occupancies that will remain occupied without electrical power. An emergency generator shall be required as an alternate source of power.

ARTICLE TWELVE: 2021 INTERNATIONAL FIRE CODE > Part V-Hazardous Materials >CHAPTER 50 HAZARDOUS MATERIALS-GENERAL PROVISIONS > SECTION 5001

GENERAL > 5001.1 Scope. > Amend as follows:

5001.1.1 Waiver. Amend to read as follows:
5001.1.1 Waiver. The provisions of this chapter and any other chapter are waived when the fire code official determines that such enforcement is preempted by other codes, statutes or ordinances.

ARTICLE THIRTEEN: 2021 INTERNATIONAL FIRE CODE > Part VI-Referenced Standards > CHAPTER 80 REFERENCED STANDARDS > Amend as follows:

Referenced Standards: Where National Fire Protection Association (NFPA) and other Standards are referenced by the *2021 International Fire Code*, the most current edition of that standard shall be adhered to.

SECTION FOURTEEN: SEPARATION CLAUSE. If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The City Council of the City of Mobile hereby declares that it would have passed this Code and each section, subsection, clause, or phase thereof, irrespective of the fact that any one or more sections, subsections, sentences, or phrases be declared unconstitutional.

The ordinance was read by the City Clerk; whereupon Councilmember Jones moved that the ordinance be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory

Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

ORDINANCE TO ADOPT A HOUSING CODE FOR THE CITY OF MOBILE. The following ordinance was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

ORDINANCE: 28-050-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, AS FOLLOWS:

Chapter 28 - HOUSING

ARTICLE ONE: HOUSING CODE

SECTION 28-1 ADOPTED -To be amended as follows:

SECTION 28-1 ADOPTED - Delete in its entirety.

SECTION 28-1 That, pursuant to Alabama Code Section 11-45-8 (1975), the Housing Code and Appendices, along with the amendments to the same contained in this ordinance, which has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama, on **November 8, 2022**, is hereby adopted as "The Housing Code of the City of Mobile." The ordinance will become effective sixty (60) days after adoption by the City Council.

ARTICLE TWO: IN GENERAL

SECTION 28-10—28-19. RESERVED.

ARTICLE THREE: DISCRIMINATION IN HOUSING

SECTION 28-20 PENALTY.

The violation of this article shall be punishable as prescribed in chapter 1, article II, City Code (1991). Each day that any violation of this article shall continue shall constitute a separate offense.

(Ord. No. 28-104, § 4, 9-23-80)

SECTION 28-21 DEFINITIONS.

Words used in this article shall have their customary meanings as determined by the standard dictionary definition, except for purposes of this article the following specific words and phrases shall have the following meanings:

Age means a person forty (40) years of age or older.

Familial status shall have the meaning and definition found in the Alabama Fair Housing Law, section 24-8-3 of the Code of Alabama.

Gender identity or expression means having or being perceived as having gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that traditionally associated with the person's actual or perceived sex.

Handicap shall have the meaning and definition found in the Alabama Fair Housing Law, section 24-8-3 of the Code of Alabama.

Real estate broker means any person, firm, partnership, or corporation licensed to sell, rent or lease real estate for residential or commercial purposes as a broker, qualifying broker or associate broker under title 34, chapter 27 of the Code of Alabama.

Real estate salesperson means any person, firm, partnership, or corporation licensed to sell, rent or lease real estate for residential or commercial purposes as a real estate salesperson under title 34, chapter 27 of the Code of Alabama.

Sexual orientation means a person's actual or perceived homosexuality, bisexuality, or heterosexuality, by orientation or practice, by and between consenting adults.

(Ord. No. 28-104, § 3, 9-23-80; Ord. No. 28-090-2015 , § 1, 12-1-15)

SECTION 28-22. UNFAIR HOUSING PRACTICES.

It shall be an unfair housing practice and an offense for any real estate broker or real estate salesperson:

(1) To make any distinction, discrimination or restriction against any person in price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any real estate used for residential or commercial purposes in the city, or in furnishing of any facilities or services in connection therewith predicated solely upon race, sex, color, religion, national origin, ancestry, familial status, handicap, age, military status, ethnicity, marital status, gender identity or expression, or sexual orientation of the prospective or actual buyer or tenant thereof.

(2) To publish, circulate, issue or display or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, sign or writing of any kind relating to the sale, rental or leasing of any residential or commercial real property within the city which would indicate or express any limitation or discrimination in the sale, rental or leasing of such residential or commercial real estate predicated solely upon the race, sex, color, religion, national origin, ancestry, familial status, handicap, age, military status, ethnicity, marital status, gender identity or expression, or sexual orientation of any such prospective buyer, lessee or renter of such property.

(3) To refuse to sell, lease or rent real estate for residential or commercial purposes within the city solely because of the race sex, color, religion, national origin, ancestry, familial status, handicap, age, military status, ethnicity, marital status, gender identity or expression, or sexual orientation of the proposed buyer or renter.

(4) To discriminate or to participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any residential or commercial housing unit or housing accommodation of the city solely because of the race, sex, religion, color, national origin, ancestry, familial status, handicap, age, military status, ethnicity, marital status, gender identity or expression, or sexual orientation of such person.

(5) To cheat, exploit or overcharge any person for residential or commercial housing accommodation purposes in the city solely because of the race, sex, color, religion, national origin, ancestry, familial status, handicap, age, military status, ethnicity, marital status, gender identity or expression, or sexual orientation of such person.

(6) To solicit for sale, lease or listing for sale or lease any residential or commercial real estate within the city solely on the ground of loss of value due to the present or prospective entry into any neighborhood of any person or persons of any particular race, sex, color,

religion, national origin, ancestry, familial status, handicap, age, military status, ethnicity, marital status, gender identity or expression, or sexual orientation.

(7) To distribute or cause to be distributed written material or statements designed to induce any owner of residential or commercial real estate in the city to sell or lease his property solely because of any present or prospective change in the race, sex, color, religion, national origin, ancestry, familial status, handicap, age, military status, ethnicity, marital status, gender identity or expression, or sexual orientation of persons in the neighborhood.

(8) To deliberately and knowingly refuse examination of any leasing of residential or commercial real estate within the city to any person solely because of race, sex, color, religion, national origin, ancestry, familial status, handicap, age, military status, ethnicity, marital status, gender identity or expression, or sexual orientation.

(Ord. No. 28-104, § 1, 9-23-80; Ord. No. 28-090-2015 , § 2, 12-1-15)

SECTION 28-23. COMPLIANCE BY OUT OF TOWN BROKERS.

Any real estate broker not licensed by the city who shall exercise any function of a real estate broker within the city shall be deemed a broker hereunder and subject to all applicable provisions hereof.

(Ord. No. 28-104, § 2, 9-23-80)

The ordinance was read by the City Clerk; whereupon Councilmember Jones moved that the ordinance be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

ORDINANCE TO ADOPT AN EXISTING BUILDING CODE FOR THE CITY OF MOBILE.
The following ordinance was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

ORDINANCE: 28-051-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, AS FOLLOWS:

ARTICLE ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2021 Edition of the International Existing Building Code, along with the amendments to the same contained in this Ordinance, has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama on **November 8, 2022**, is hereby adopted as the "Existing Building Code of the City of Mobile." The ordinance will become effective sixty (60) days after adoption by the City Council.

ARTICLE TWO: Published Ordinance. A copy of this Ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said 2021 International Existing Code to be published in a newspaper, nor shall the same be spread at length upon the minutes of this Council, but this Ordinance shall be recorded in said minutes.

ARTICLE THREE: Effective Date. The said *2021 International Existing Building Code* shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

ARTICLE FOUR: Contractors Criteria and Qualifications. Criteria and qualifications for all contractors shall be set forth herein. For the purpose of this ordinance the term contractor will hereinafter refer to (Building) Contractor as defined and added by **ARTICLE NINE** in **SECTION202 GENERAL DEFINITIONS.**

Building Contractor's Responsibility. In addition to the requirements as set forth herein, all individuals, agents or businesses that perform work that exceeds $50,000 are required to be a general contractor or subcontractor in accordance with all the statutory requirements of the State of Alabama and City of Mobile.

Electrical Contractor's Responsibility. In addition to the requirements as set forth herein, all individuals, agents or businesses who install, alter or modify all or part of an electrical system shall furnish proof that they are a licensed and Bonded Electrical Contractor in accordance with the City of Mobile Board of Electrical Examiners and the statutory requirements of the State of Alabama Board of Electrical Contractors. Where any electrical work is being undertaken, a Master or Journeyman Electrician shall be present at the job site and in actual control and in charge of the work being performed.

Mechanical Contractor's Responsibility. In addition to the requirements as set forth herein, all individuals, agents or businesses who install all or part of a heating ventilation and air conditioning (HVAC) system shall furnish proof that they are licensed, registered and hold an active certification with the Alabama State Board of Heating and Air Conditioning Contractors in accordance with all the statutory requirements of the State of Alabama and City of Mobile.

Plumbing Contractor's Responsibilities. Before any person, firm, or corporation shall engage in the plumbing business, he/she shall be qualified as set forth herein, and a license shall be obtained from the City, County, or State as required, and a proper bond posted. Where any plumbing work is being done, a Master Plumber or Journeyman Plumber shall at all times be present on the job and in actual control and in charge of the work being done. All plumbers shall be certified by the State of Alabama and Master Plumbers must be duly registered with the State of Alabama. An Alabama certified Master Plumber or Journeyman Plumber must be present at the time of the inspection for any below ground or concealed space areas. For all other inspections, their presence is not required.

Contractor License. It shall be the duty of every contractor who shall make contracts for the installation or repair of building, electrical, mechanical and plumbing systems for which a permit is required and every contractor making such contracts and subletting the same, or any part thereof, to pay a license tax as provided in the general license ordinance, and to register his name in a book provided for that purpose, with the applicable code official, giving full name, residence, and place of business, and, in case of removal from one place to another to have made corresponding change in said register accordingly.

ARTICLE FIVE: Surety Bond. In addition to the requirements as set forth herein, it shall be the duty of every builder, contractor and sub-contractor to provide and have on file a current license and permit bond for $10,000 in accordance with the City of Mobile and State of Alabama Requirements. The bond is subject to the approval of City of Mobile Legal Department and shall be provided by a surety company qualified to do business in the State of Alabama.

Such bond shall insure that the licensee complies with laws, ordinances and building regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the plumbing business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

ARTICLE SIX: Criteria for Owners to Obtain Permits. For the purpose of this code, a property owner physically doing the work themselves may be issued a permit upon the Building Official's satisfaction that the owner is competent to perform the work for which the permit is requested, and execution of a Building Affidavit. Owner competence can be initially demonstrated by satisfactory performance on an in-house builder's knowledge test at the Permitting Department. Any individual other than the property owner doing the work on a property is considered a contractor and shall meet the requirements of a contractor and shall comply with all applicable laws, codes, and ordinances. All inspection criteria, for property owner permit holders, shall be the same as for contractors in SECTION 109 INSPECTIONS.

ARTICLE SEVEN: Vehicular Signs. All trucks and similar vehicles used by contractors shall have signs on the body on both sides of body, including the full name, address and telephone number of the firm to which it belongs. Lettering may be any color in contrast to the color of the body, but letters must be at least 1 ½" high, identifying the firm's name.

ARTICLE EIGHT: 2021 INTERNATIONAL EXISTING BUILDING CODE CHAPTER 1 SCOPE AND ADMINISTRATION Part 1-SCOPE AND APPLICATION Amend to read as follows:

SECTION 101 SCOPE AND GENERAL REQUIREMENTS:
101.1 Title. These regulations shall be known as the Existing Building Code of the City of Mobile, Alabama, herein after referred to as, "this code."

101.2 Scope. Amend Exception to read as follows: 101.2 Scope.
Exception:

Exception. Historical Structures: Building official at his discretion may, after structural report, and as a condition for acceptance of the structural engineer of record's findings, stipulate that the permit holder agree to a peer review of the findings. The peer reviewer, as well as the structural engineer of record, may incorporate any and all reasonable justifications for acceptance of the existing structure without major modification. These justifications may include, but not be limited to, historical performance, in-situ testing, and testimony. Acceptable substantiation of opinions shall include drawings, calculations, test reports, and other relevant documentation.

The peer reviewer shall submit a report to the building official identifying significant deficiencies in the structural system of the building and suggest the possible remedial measures. Where remediation is not a reasonable option, the peer reviewer shall provide an opinion as to the severity of the structural deficiency and its impact on life safety.

The opinions of the peer reviewer shall be considered advisory and shall not in any way be considered binding on the building official or the permit holder. The building official shall retain any and all powers granted by this code and the hiring of a peer reviewer by the permit holder does not constitute abdication of the right to appeal as granted in this code.

The peer reviewer shall be a licensed engineer in the State of Alabama, qualified by education and experience to practice structural engineering.

Selection of the peer reviewer shall be by the permit holder from an approved list provided by the building official. All costs associated with the hiring of the peer reviewer shall be borne by the permit holder and shall be in accordance with procedures set forth by the building official.

101.6 Appendices. – Amend to read as follows:
101.6 Appendices. The Building Official is authorized to require retrofit of buildings, structures or individual structural members in accordance with the appendices of this Code if such appendices have been individually adopted. Provisions in the appendices shall not apply unless specifically adopted.

Add sub-paragraph 101.6.1 Adopted Appendices. To read as follows:
101.6.1 Adopted Appendices. The following appendices shall be adopted:

Appendix A – Guidelines for the Seismic Retrofit of Existing Buildings.
Appendix B – Supplementary Accessibility Requirements for Existing Buildings and Facilities
Appendix C – Guidelines for the Wind Retrofit of Existing Buildings

SECTION 102 APPLICABILITY 102.4 Referenced codes and standards. 102.4.2 Conflicting provisions. Amend as follows:

Add Paragraph 102.4.2.1 Energy Conservation. To read as follows:
102.4.2.1 Energy Conservation. Where referenced, the *International Energy Conservation Code* shall be the energy code adopted and enforced by the State of Alabama.

Add sub-paragraph 102.4.2.2 Mechanical. To read as follows:
102.4.2.2 Mechanical. Where applicable, the provisions of the 2021 International Mechanical Code, and adopted ordinances, 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.

Add sub-paragraph 102.4.2.3 Plumbing. To read as follows:
102.4.2.3 Plumbing. Where applicable, the provisions of the 2021 International Plumbing Code, and adopted ordinances, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system.

Add sub-paragraph 102.4.2.4 Property Maintenance. To read as follows:

102.4.2.4 Property Maintenance. Where applicable, the provisions of the *2021 International Property Maintenance Code*, and adopted ordinances, shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

Add sub-paragraph 102.4.2.5 Application of the Fire Code. To read as follows:
102.4.2.5 Application of the Fire Code. The provisions of the *2021 International Fire Code,* and adopted ordinances, shall apply to the design and construction of new and existing structures and premises, and any alterations, additions, changes in use or changes in structures or premises required by this code.

Add sub-paragraph 102.4.2.6 Building. To read as follows:
102.4.2.6 Building. Where applicable, the provisions of the *2021 International Building Code*, and adopted ordinances, shall apply to the construction, alteration, movement, enlargement, replacement, 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.

Add sub-paragraph 102.4.2.7 Electrical. To read as follows:
102.4.2.7 Electrical. Where applicable, the provisions of the *2020 National Electrical Code*, and adopted ordinances, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

Add sub-paragraph 102.4.2.8 Fuel Gas. To read as follows:
102.4.2.8 Fuel Gas Code. Where applicable, the provisions of the *2021 International Fuel Gas Code*, and adopted ordinances, shall apply to the installation, alteration, repair and replacement of fuel gas piping systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a fuel gas system.

Part 2-ADMINISTRATION AND ENFORCEMENT Amend to read as follows:

SECTION 104 DUTIES AND POWERS OF CODE OFFICIAL

Sub-paragraph 104.10.1 Flood hazard areas. Amend to read as follows:

104.10.1 Flood Hazard Areas. For *existing buildings* located in *flood hazard areas* for which *repairs, alterations and additions* constitute *substantial improvement*, the code official shall not grant modifications to provisions related to flood resistance unless in accordance with the adopted *"Storm Water Management and Flood Control* Ordinance" which procedure is administered and enforced by the City of Mobile Engineering Department.

SECTION 105 PERMITS
105.1.1 Annual permit. Delete in its entirety.

105.1.2 Annual permit records. Delete in its entirety.

105.2 Work exempt from permit. Amend to read as follows:

Building:
Delete subparagraph 5 in its entirety.

105.3 Application for permit. Add sub-paragraphs 8 and 9. To read as follows:

8. Applicant must provide proper identification.
9. Applicant must verify ownership of property.

SECTION 106 CONSTRUCTION DOCUMENTS 106.2.1 Construction documents. Amend to read as follows:

Add sub-paragraph 106.2.1.1 Letter of supervision. To read as follows:
106.2.1.1 Letter of Supervision. The registered design professional shall provide the code official a letter stating that he/she is the design professional in charge on each project and is responsible for construction administration.

Add sub-paragraph 106.2.1.2 Certificate of Substantial Completion. To read as follows:

106.2.1.2 Certificate of Substantial Completion. Upon completion of construction for each project and prior to the use of a building or portion thereof, the registered design professional shall submit a letter or certificate of substantial completion.

SECTION 108 FEES:

108.2 Schedule of permit fees. Amend to read as follows:
108.2 Schedule of permit fees. On building, electrical, mechanical, and plumbing systems or *alterations* requiring a permit, a fee for each permit shall be paid as required in accordance with the "Building Codes Permit Fee Schedule Ordinance" adopted by separate ordinance.

108.6 Refunds. Amend to read as follows:
108.6 Refunds – Building permit refunds shall be issued in accordance with the policies spelled out in the "Building Codes Permit Fee Schedule Ordinance" as adopted in a separate ordinance.

SECTION 112 MEANS OF APPEALS Delete in its entirety

Add SECTION 112 BOARD OF APPEALS

112.1 General. To read as follows:

112.1 General. The Board of Appeals, herein called the Construction Board of Appeals, shall be in accordance with the applicable sections regarding appeals of the International Building Code and the Ordinance Adopting the International Building Code.

SECTION 113 VIOLATIONS 113.4 Violation Penalties. To be amended as follows:

113.4 Violation penalties. Amend to read as follows:
113.4 Violation penalties. Persons who shall violate a provision of the *2021 International Existing Building Code* (IEBC), as amended, or shall fail to comply with any of the requirements thereof or who shall construct, enlarge, alter repair, move, demolish or change the occupancy of a structure in violation of the approved construction documents or directive of the Code Official or of a permit or certificate issued under the provisions of this Code shall be prosecuted, and upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00). In addition, thereto, at the discretion of the court trying the case, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period not exceeding six (6) months. Other penalties in accordance with Chapter 1 of the Mobile City Code may also apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Notwithstanding any other provision of law, the maximum penalty for every person convicted of violating any of the following offenses are as follows:

1. A violation of any provision of **ARTICLE FOUR: Contractors Criteria and Qualifications,** of this Ordinance, shall be a $500 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. A violation of any provision of **ARTICLE SEVEN: Vehicular Signs**, of this Ordinance, shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3. Any act to impede, delay, deceive, obstruct, hinder, disturb, or interfere in any manner with the Code Official in the execution of the Code Official's duties shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT 115.3 Notices - Amend to read as follows:

Add sub-paragraph 115.3.1 Unsafe Structures and Equipment. To read as follows:
115.3.1 Procedures. Unsafe Structures and Equipment. All buildings or structures which are unsafe, unsanitary, 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 constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contempt of this Section, Unsafe Structures and Equipment. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedures:

1. Whenever the code official shall find any building or structure or portion thereof to be unsafe, as defined in this Section, he/she shall, in accordance with established procedure for legal notice, as required by Alabama Code Section 11-53B-1 enacted on April 17, 2002, and Mobile City Code Section 11-81, Article 5, adopted November 26, 2002, or SECTION 115.3 of this Ordinance, give the mortgagee(s), regulatory boards, the person last assessing the property for state taxes, and the owner, agent, or person in control of such building or structure written notice setting forth 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.

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 code official. The code official shall cause to be posted at each entrance to such building a notice stating: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE 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 code official, or for any

person to enter the building except for the purpose of making the required repairs or of demolishing same.

3. The mortgagee(s), regulatory boards, last person assessing for state taxation, and if other than those listed, the owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the code official, as provided thereinafter, and to appear before the Environmental Court at a specified time and place to show cause why he should not comply with said notice.

4. In case the mortgagee(s), regulatory boards, last person assessing for state taxation, and 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 code official, after having ascertained the cost, shall cause such building or structure or portion thereof, to be secured or required to remain vacant in accordance with SECTION 115 and/or demolished in accord with Alabama Code section 11-53B-1 enacted on April 17, 2002, and Mobile City Code Section 11-81, Article 5, adopted November 26, 2002.

5. The decision of the code official shall be final in cases of emergency which, in his/her opinion, involve imminent danger to human life or health. He shall promptly cause such building, structure or portion thereof to be made safe or cause its removal. For this purpose he may at once enter such structure or land on which it stands, or abutting land or structure, with assistance and at such cost as he may deem necessary. He may order the vacation of adjacent structures and if necessary for this purpose may, close a public or private way.

6. Costs included under Mobile City Code Section 11-81, Article 5, adopted November 26, 2002, shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

7. The provisions of this code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority.

ARTICLE NINE: 2021 INTERNATIONAL EXISTING BUILDING CODE CHAPTER 2 DEFINITIONS Section 202 General Definitions Amend to read as follows:

THE FOLLOWING DEFINITIONS: Amend to read as follows:

FLOOD HAZARD AREA. The area designated as a flood hazard area in accordance with the “Storm Water Management and Flood Control Ordinance” adopted and administered by the City of Mobile’s Engineering Department.

HISTORIC BUILDING. Any building or structure that is listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic places; designated as a historic property under local or state designation; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed in the Alabama Register or the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

ADD THE FOLLOWING DEFINITION:

CONTRACTOR. One who, for a price, commission, fee, or wage undertakes to construct or superintend or engage in the construction, enlargement, alteration, maintenance, repair, move, rehabilitation, remediation, reclamation, demolish of a structure or swimming pool.

PEER REVIEW. An alternative assessment for prescriptive code requirements that is performed by a registered or licensed design professional who is independent from the design professional of record.

ARTICLE TEN: 2021 INTERNATIONAL EXISTING BUILDING CODE CHAPTER 3 PROVISIONS FOR ALL COMPLIANCE METHODS SECTION 302 GENERAL PROVISIONS Amend to read as follows:

302.2 Additional codes. Amend to read as follows:
302.2 Additional codes. *Alterations, repairs, additions* and *changes of occupancy* to, relocation of, *existing buildings* and structures shall comply with the provisions for *alterations, repairs, additions* and *changes of occupancy* or relocation, respectively, in this code and the *International Energy Conservation Code*, *International Fire Code, International Mechanical Code, International Plumbing Code, International Residential Code, National Electrical Code, International Fuel Gas Code and International Building Code*. Where the provisions of other codes conflict with provisions of this code, the provisions of this code shall take precedence.

ARTICLE ELEVEN: 2021 INTERNATIONAL EXISTING BUILDING CODE CHAPTER 13 PERFORMANCE COMPLIANCE METHODS SECTION 1301 GENERAL Amend to read as follows:

1301.2 Applicability. Amend to read as follows:
1301.2 Applicability. Structures existing prior to the effective enforcement date of this code, in which there is work involving *additions, alterations or changes of occupancy* shall be made to conform to the requirements of this chapter or provisions of Chapters 5 through 13. The provisions of Sections 1301.2.1 through 1301.2.6 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

ARTICLE TWELVE: SEPARATION CLAUSE
If any section, sub-section, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.
The City Council of the City of Mobile hereby declares that it would have passed this Code and each section, subsection, clause, or phase thereof, irrespective of the fact that any one or more sections, subsections, sentences, or phrases be declared unconstitutional.

The ordinance was read by the City Clerk; whereupon Councilmember Jones moved that the ordinance be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

ORDINANCE TO ESTABLISH A SCHEDULE OF PERMIT FEES FOR THE CITY OF MOBILE BUILDING CODES. The following ordinance was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

ORDINANCE: 28-052-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, AS FOLLOWS:

ARTICLE ONE: TITLE. That, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama on **November 8, 2022**, is known as the "Building Codes Permit Fee Schedule Ordinance" and hereby adopted.

ARTICLE TWO: APPLICABILITY. This Ordinance applies to permit fees charged by the City of Mobile for building construction trades in compliance with the Building, Electrical, Gas, Mechanical, Plumbing, and Residential Codes adopted by the City of Mobile listed herein unless otherwise exempted.

Permits may be required by other departments and agencies including but not limited to the following:

City Engineering
Historic Development
Planning & Zoning
City Revenue
Right-Of-Way
Traffic Engineering
Urban Forestry
Mobile Fire Department
Alabama Power Company
Mobile Area Water & Sewer Service
Local Gas Provider
Mobile County Health Department

ARTICLE THREE: PUBLISHED ORDINANCE. A copy of this ordinance shall be published pursuant and according to law, after its adoption, and this ordinance shall be recorded in the said Minutes of this Council.

ARTICLE FOUR: EFFECTIVE DATE. The said Ordinance shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

ARTICLE FIVE: SEPARATION CLAUSE. If any article, section, sentence, clause or phrases of this ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE SIX: VIOLATION PENALTIES. Any person who violates a provision of this ordinance or fails to comply with any of the requirements thereof shall be subject to penalties in accordance with Chapter 1 of the Mobile City Code.

ARTICLE SEVEN: SCHEDULE OF BUILDING PERMIT FEES. On modifications, alterations, or repairs on any building or structure, a permit fee for each permit shall be paid at the time of filing an application. The applicable permit fees required by the City of Mobile shall be determined in accordance with the schedule of fees as listed and do not include fees required by other departments or agencies (See Article Two – Applicability).

A. Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Building permits shall not be required
for the following:

1. Playhouses and similar uses provided the floor area does not exceed 120 square feet (11.15m2).

2. Oil derricks.

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

5. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

6. Painting, papering, tiling, carpeting and similar finish work that are not part of a construction project where a permit is required.

7. Temporary motion picture, television and theater stage sets and scenery.

8. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

9. Swings and other playground equipment accessory to one- and two-family dwellings.

10. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

B. Building Permit Fee. The value of a permit shall be determined by the building valuation data published set forth in Tables 1 (residential construction) and Table 2 (commercial construction). The building construction valuation data shall be evaluated yearly and adjusted as deemed necessary by the City of Mobile. Building permit fees shall be in accordance with the schedule that follows.

On construction or addition projects where work is performed by all building trades, the general contractor, homebuilder, or owner will be required to pay the permit fees for all building trades (Building, Electrical, Gas, Mechanical & Plumbing). However, it shall be the responsibility of the subcontractors to permit all work in accordance with applicable state laws prior to starting work.

On alterations, repairs, addition or construction projects where work is not being performed by all building trades, it shall be the responsibility of each general contractors, homebuilders, owners and subcontractors to pay for permit fees separately and in accordance with the respective fee schedule.
All work shall be permitted in accordance with applicable state laws prior to starting work.

1. Minimum permit fee	$25.00
2. $0 to $1,000 (No inspection is required)	No Fee
3. $0 to $1,000 (When inspection required)	$25.00

4. New construction & additions (Includes building, electrical, plumbing, gas & mechanical permit fees)

$1,001 to $50,000	$5.50 per $1000 valuation
$50,001 and over	$4.50 per $1000 valuation

5. Alterations, renovations, repairs, etc. (Building permit fee only & a contract is required, see applicable trade articles for other fees. In the absence of a contract, the latest building construction valuation from the International Code Council will be used).

$1,001 to $50,000	$5.50 per $1000 valuation
$50,001 and over	$4.50 per $1000 valuation

6. Plan Review Fees (Include all building trades)

Residential No Fee 1st Re-submittal $50.00

2nd Re-submittal	$100.00
3rd Re-submittal	$200.00
4th Re-submittal and above	$500.00

Commercial $100.00

1st Re- submittal	$200.00
2nd Re-submittal	$500.00
3rd Re-submittal	$1,000.00
4th Re-submittal & above	$2,000.00

7. Duplicate Permit Fee.

Residential	$10.00

Commercial $20.00

8. Request for Information – $20.00
(Minimum fee includes up to 40 pages)
Each additional copy exceeding 40 pages. **$0.25 TABLE 1 –RESIDENTIAL**

BUILDING CONSTRUCTION VALUATION DATA

OCCUPANCY GROUP	SQUARE FOOT CONSTRUCTION COSTS (DOLLARS)
R-3 Residential, 1 & 2 Family	$86.00
U Utility, miscellaneous	$33.00

TABLE 2 – COMMERCIAL
BUILDING CONSTRUCTION VALUATION DATA

OCCUPANCY GROUP	SQUARE FOOT CONSTRUCTION COSTS (DOLLARS)
A-1 Assembly, theater w/stage	Contract or notarized documentation
A-1 Assembly, theater, w/o stage	Contract or notarized documentation
A-2 Assembly, night clubs	Contract or notarized documentation
A-2 Assembly, restaurants, bars, banquet halls	Contract or notarized documentation
A-3 Assembly, churches	Contract or notarized documentation
A-3 Assembly, general, community halls, libraries, museums	Contract or notarized documentation
A-4 Assembly, arenas	Contract or notarized documentation
B-1 Business	Contract or notarized documentation
E Educational	Contract or notarized documentation
F-1 Factory & Industrial, moderate hazard	Contract or notarized documentation
F-2 Factory & industrial, low hazard	Contract or notarized documentation
H-1 High Hazard, explosives	Contract or notarized documentation
H-2, H-3, H-4 High Hazard	Contract or notarized documentation
H-5 HPM	Contract or notarized documentation
I-1 Institutional, supervised environment	Contract or notarized documentation
I-2 Institutional, incapacitated	Contract or notarized documentation
I-3 Institutional, restrained	Contract or notarized documentation
I-4 Institutional, day care facilities	Contract or notarized documentation
M Mercantile	Contract or notarized documentation
R-1 Residential hotels	Contract or notarized documentation
R-2 Residential, multiple family	Contract or notarized documentation
R-3 Residential, 1 & 2 Family	See Table 1
R-4 Residential, care, assisted living facilities	Contract or notarized documentation
S-1 Storage, moderate hazard	Contract or notarized documentation
S-2 Storage, low hazard	Contract or notarized documentation
U Utility, miscellaneous	Contract or notarized documentation

9. Certificate of Final Inspection Fee (For certifying permitted work in building trades for existing construction)

Residential $50.00
Commercial $100.00

10. Minimum Housing Inspection Fee (building only) $20.00

11. Certificate of Occupancy
New building or change of occupancy (work to be performed & permit issued) No Fee
Change of Occupancy (No work to be performed & no permit issued) $100.00

12. Temporary Certificate of Occupancy $100.00

13. Re-inspection Fees
    1st Re-inspection requested $50.00
    2nd Re-inspection requested $75.00
    3rd Re-inspection requested & above $100.00

14. Weekend and after hour inspections (Maximum 4 hours) $200.00

15. Construction Board of Appeals (Each request) $500.00
16. Pre-Moving Fee (all building trades) $50.00

17. Moving Fee (all building trades) $50.00

18. Fence and Wall Fee (Construction of all fences or walls)
    No inspections required $5.00
    Inspection required

    $25.00

19. Demolition Fee
    Building or structure
    Commercial $100.00
    Residential $50.00

    Interior
    Commercial $50.00
    Residential $25.00

20. Mobile Home or Modular Building Fee (building only) $50.00

21. Swimming Pool Fee
    Residential $100.00
    Commercial $250.00

22. Re-roofing Fee
Residential $125.00 per square $5.00 per $1000 valuation
Commercial $150.00 per square $5.00 per $1000 valuation

23. Failure to Obtain Permit
(Other penalties in accordance with Article 1 Of the Mobile City Code may also apply)

1st Offense 2 times required permit fee
2nd Offense 3 times required permit fee
3rd Offense 4 times required permit fee
4th Offense 5 times required permit fee
24. Permit fee extension 25% of permit fee paid

25. Other Permit Fees - Where no permit fees are listed the City of Mobile shall determine the required permit fee.

26. 3% of all permit fees shall be designated for training, education and equipment for the department.

27. Permit Issuance Fee - $1.00 fee shall be assessed to all permits issued.

C. Miscellaneous.

1. A separate permit shall be required for each building or tenant unit for shell buildings.

2. Whenever a sub-contractor is dismissed from a job, an administrative fee of $100.00 shall be required to issue a permit to the new sub-contractor. The new sub-contractor

shall re-permit the building portion of the project.

3. On jobs where a general contractor or homebuilder is dismissed, a new set of plans may be required for review and the remaining portion of the work shall be permitted.

4. It shall be the responsibility of the permit holder to provide the City of Mobile with an adjusted valuation of all construction including, but not limited to, cost overrun(s) and change order(s) within forty-five (45) days of completion of said project.

5. On new construction and additions, the general contractor, homebuilder or owner will be required to submit the name, address and phone numbers of all trade sub-contractors.

D. Permit Fee Refund. See Article Twelve.

ARTICLE EIGHT: SCHEDULE OF ELECTRICAL PERMIT FEES. On electrical system alterations, repairs and installations, a permit fee for each permit shall be paid at the time of filing an application. The applicable permit fees required by the City of Mobile shall be determined in accordance with the schedule of fees as listed and do not include fees required by other departments or agencies (See Article Two – Applicability).

A. Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Electrical permits shall not be required for the following:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply, the installations of towers and antennas.

3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

B. Electrical Permit Fee. On all electrical installations requiring an electrical permit, a fee for each permit shall be paid as required at the time of filing the application, in accordance with the schedule that follows.

On construction or addition projects where work is performed by all building trades, the general contractor, homebuilder, or owner will be required to pay the permit fees for all building trades (Building, Electrical, Gas, Mechanical & Plumbing). However, it shall be the responsibility of the subcontractors to permit all work in accordance with applicable state laws prior to starting work.

On alterations, repairs, additions or construction projects where work is **not** being performed by all building trades, it shall be the responsibility of each general contractors, homebuilders, owners and subcontractors to pay for permit fees **separately** and in accordance with the respective fee schedule. All work shall be permitted in accordance with applicable state laws prior to starting work.

1. New buildings or additions	Included in the building permit fee
2. Minimum Permit Fee	$10.00
3. Main Service and Service Repairs	
200-ampere switch or less	$15.00
400 ampere switch	$20.00
600 ampere switch	$25.00

800 ampere switch	$30.00
1200 ampere switch	$35.00
1600-ampere switch	$40.00
2000 ampere switch	$50.00

4. Sub Panels (additional) $5.00

5. Temporary Service $15.00

6. Repairs to Outlets or Fixtures $15.00
7. Temporary Connection of permanent service $10.00

8. New Outlets:

01 - 03	$5.00
04 - 10	$7.00
11 - 15	$10.00
16 - 24	$15.00
25 - 50	$20.00
51 - 75	$30.00
76 - 100	$40.00
100 - 150	$50.00
200 and above	$50.00 plus $0.30/outlet over 200

9. Fixtures, Fluorescent Light Ballasts, and Smoke Detectors:

01 – 10	$7.00
11 – 20	$9.00
21 – 30	$11.00
31 – 40	$13.00
41 - 50	$15.00
51 – 60	$18.00
61 – 70	$20.00
71 – 80	$22.00
81 – 90	$25.00
91 – 100	$30.00
100 and above $30.00 plus	$0.30/outlet over 100

10. Ceiling fans $1.00

11. Motor Inspection Fees:

Fractional to 1 HP	$5.00
1 1/2 to 3 HP	$6.00
4 to 10 HP	$8.75
11 to 20 HP	$11.50
21 to 30 HP	$13.75
31 to 50 HP	$15.50
51 to 100 HP	$17.50
100 HP and above $17.50 plus	$0.20/hp over 100

12. Each Generator – Use motor schedule above and add $2.00
Other current consuming devices to be charged for as motors.
(Multiply amperes by voltage and reduce to horsepower by dividing 746 watts).

Generators (including $2.00 Fee)

5kw	10.75
10kw	13.50
15kw	15.75
20kw	17.50
45kw	19.50

13. Electric Signs:

Sign connection fee	$15.00
Sign shop fee	$10.00

(Transformer or ballast incandescent lamps to be charged according to motor schedule.)

14. Heating:	
0.0 kw to 7.9 kw	$5.00
8.0 kw to 14.9 kw	$8.00
15.0 kw to 22.9 kw	$10.00
23.0 kw to 37.9 kw	$15.00
38.0 kw to 74.9 kw	$20.00
15. Air Conditioners:	
Window air conditioners and central units to 4 tons	$12.00
Over 4 tons	$1.00 per ton
16. Re-locate Air Conditioner Fee	Same as above
17. Repairs	$15.00
18. Appliances:	
Welding Machine Receptacle	$10.00
Range	$6.00
Dryer	$5.00
Water Heater	$5.00
19. Special Systems:	
Non-Residential and Commercial	$25.00
Residential	$15.00
20. Six Month Investigation Fee	$20.00
21. Pool Fee:	
1 HP Motor, 1-4 outlets, Pool Bond	$25.00
22. Transformers (1 kw or over)	$15.00
23. Direct burial cable, conduit and Miscellaneous trench inspections	$15.00
24. Plan Review Fees	See Article Seven
25. Duplicate Permit Fee	See Article Seven
26. Request for Information	See Article Seven
27. Certificate of Final Inspection Fee - Residential	See Article Seven
28. Certificate of Final Inspection Fee - Commercial	See Article Seven
29. Minimum Housing Inspection Fee	$20.00
30. Re-inspection Fees	See Article Seven
31. Weekend and emergency inspections	See Article Seven
32. Construction Board of Appeals (each request)	See Article Seven
33. Pre-Moving Fee (all building trades)	See Article Seven
34. Moving Fee	See Article Seven
35. Mobile Home or Modular Building Fee (electrical only & does not include premise wiring.)	$50.00

36. Failure to Obtain Permit (Other penalties in accordance with Section 1 of the Mobile City Code may also apply)	See Article Seven
37. Construction trailers	$50.00
38. Competency Card Renewal Fees:	
Maintenance Electrician	$50.00
Journeyman Electrician	$50.00
Duplicate Card Fee	$10.00
Master Electrician (With Business License)	$30.00
State Issuance Fee	$25.00
Inactive Master (Per Year)	$10.00
Renewal Certification Card Penalty	Double Fee
Inactive Master Conversion Fee	$250.00
Apprentice/Trainee Card	$10.00
40. Electrical Exam Fees:	
Master Electrical Exam Fee	$135.00
Journeyman Electrical Exam Fee	$85.00
Maintenance Electrical Exam Fee	$85.00
41 Permit Fee Extension –	See Article Seven.

42. Other Permit Fees - Where no permit fees are listed, the City of Mobile shall determine the required permit fee.

43. 3% of all permit fees shall be designated for training, education and equipment for the department.

44. Permit Issuance Fee - $1.00 fee shall be assessed to all permits issued.

C. Miscellaneous.

1. A separate permit shall be required for each building or tenant unit for shell buildings.

2. Whenever a sub-contractor is dismissed from a job, an administrative fee of $100.00 shall be required to issue a permit to the new sub-contractor. The new sub-contractor shall re-permit the Electrical portion of the project.

3. On jobs where a general contractor or homebuilder is dismissed, a new set of plans may be required for review and the remaining portion of the work shall be permitted.

4. It shall be the responsibility of the permit holder to provide the City of Mobile with an adjusted valuation of all construction including, but not limited to, cost overrun(s) and change order(s) within forty-five (45) days of completion of said project.

5. On new construction and additions, the general contractor, homebuilder or owner will be required to submit the name, address and phone numbers of all trade sub-contractors.

D. Permit Fee Refund. See Article Eleven.

ARTICLE NINE: SCHEDULE OF MECHANICAL PERMIT FEES. On mechanical system alterations, repairs and installations, a permit fee for each permit shall be paid at the time of filing an application. The applicable permit fees required by the City of Mobile shall be determined in accordance with the schedule of fees as listed and do not include fees required by other departments or agencies (See Article Two – Applicability)

A. Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation

of the provisions of this code or any other laws or ordinances of this jurisdiction. Mechanical permits shall not be required for the following:

1. Gas:
   a. Portable heating appliance.

   b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

   c. Any appliance, equipment, fuel system, fuel storage, methods or materials that have been deleted from the International Mechanical Code by means of Local Ordinance.

2. Mechanical:
   a. Portable heating appliance.
   b. Portable ventilation equipment.
   c. Portable cooling unit.
   d. Steam, hot water, or chilled water piping within any heating or cooling equipment regulated by this code.
   e. Replacement of any part which does not alter its approval or make it unsafe.
   f. Portable evaporative cooler.
   g. Self-contained refrigeration system containing 10 pound (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
   h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
   i. Boilers and pressure vessels.

B. Mechanical Fee Schedule:
On all mechanical installations requiring a mechanical permit, a fee for each permit shall be paid as required at the time of filing the application, in accordance with the schedule that follows.

On construction or addition projects where work is performed by all building trades, the general contractor, homebuilder, or owner will be required to pay the permit fees for all building trades (Building, Electrical, Gas, Mechanical & Plumbing). However, it shall be the responsibility of the subcontractors to permit all work in accordance with applicable state laws prior to starting work.

On alterations, repairs, addition or construction projects where work is not being performed by all building trades, it shall be the responsibility of each general contractors, homebuilders, owners and subcontractors to pay for permit fees separately and in accordance with the respective fee schedule.
All work shall be permitted in accordance with applicable state laws prior to starting work.

1. New buildings or additions	Included in the building permit fee
2. Minimum Permit Fee	$30.00
3. Installation of air-conditioning and/or heating systems in single-family residences:	$60.00
4. Addition of air-conditioning and/or heating systems in single-family residences:	$60.00
5. Installation of air-conditioning and/or heating systems in apartments, per apartment:	$30.00
6. Installation of air-conditioning and/or heating systems in duplexes:	$60.00
7. Installation of air-conditioning and/or heating systems in commercial buildings up to 5 tons, per tenant space:	$40.00
Over 5 tons, per tenant space $5.00 per ton	

8. Replacements of any one heater, air handler, condensing unit and/or cooling tower only in commercial buildings, shall require a fee of one-half (1/2) of systems (see “5”) with a minimum fee of $40.00.

9. Replacement of heating and/or air conditioning Equipment in single-family residence:	$30.00
10. Replacement of heating and/or air conditioning Equipment in multi-family dwellings	$30.00 per apartment
11. Commercial exhaust hoods (canopy)	$30.00
12. Relocation of equipment (i.e., condenser from roof to ground, etc.)	$30.00

13. In multi-family or commercial buildings where self-contained units of less than two (2) tons are to be installed, the fee charged shall be based on the total tonnage of all units combined (see “5” installation of air conditioning and/or heating system in apartments).

14. Adding or changing ductwork:	
Residential:	$30.00
Commercial	$50.00
First System	$50.00
Additional systems (each)	$25.00
15. Plan Review Fees (Include all building trades)	See Article Seven
16. Duplicate Permit Fee.	$10.00
17. Request for Information	See Article Seven
18. Certificate of Final Inspection Fee	See Article Seven
19. Certificate of Final Inspection Fee	See Article Seven
20. Minimum Housing Inspection Fee	$20.00
21. Mobile Home or Modular Building Fee (mechanical only)	$50.00
22. Re-inspection Fees	See Article Seven
23. Weekend and emergency inspections	See Article Seven
24. Construction Board of Appeals	See Article Seven
25. Failure to Obtain Permit (Other penalties in accordance with Section 1of the Mobile City Code may also apply)	See Article Seven
26. Permit Fee Extension	See Article Seven

27. Other Permit Fees - Where no permit fees are listed, the City of Mobile shall determine the required permit fee.

28. 3% of all permit fees shall be designated for training, education and equipment for the department.

29. Permit Issuance Fee - $1.00 fee shall be assessed to all permits issued.

30. REFRIGERATION- Min. $10.00 + $10.00 1st $1000.00 of value + $4.00 each additional $1000.00 of value

C. Miscellaneous.

1. A separate permit shall be required for each building or tenant unit for shell buildings. All roof drain and conductor pipes must be marked on permit.

2. Whenever a sub-contractor is dismissed from a job, an administrative fee of $100.00 shall be required to issue a permit to the new sub-contractor. The new sub-contractor shall re-permit the Mechanical portion of the project.

3. On jobs where a general contractor or homebuilder is dismissed, a new set of plans may be required for review and the remaining portion of the work shall be permitted.

4. It shall be the responsibility of the permit holder to provide the City of Mobile with an adjusted valuation of all construction including, but not limited to, cost overrun(s) and change order(s) within forty-five (45) days of completion of said project.

5. On new construction and additions, the general contractor, homebuilder or owner will be required to submit the name, address and phone numbers of all trade sub-contractors.

D. Permit Fee Refund. See Article Twelve.

ARTICLE TEN: SCHEDULE OF PLUMBING PERMIT FEES. On plumbing system alterations, repairs and installations, a permit fee for each permit shall be paid at the time of filing an application. The applicable permit fees required by the City of Mobile shall be determined in accordance with the schedule of fees as listed and do not include fees required by other departments or agencies (See Article Two – Applicability).

A. Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Plumbing permits shall not be required for the following:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspections made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

B. Plumbing Fee Schedule:

On all plumbing installations requiring a plumbing permit, a fee for each plumbing permit shall be paid as required at the time of filing the application, in accordance with the schedule that follows.

On construction or addition projects where work is performed by all building trades, the general contractor, homebuilder, or owner will be required to pay the permit fees for all building trades (Building, Electrical, Gas, Mechanical & Plumbing). However, it shall be the responsibility of the subcontractors to permit all work in accordance with applicable state laws prior to starting work.

On alterations, repairs, addition or construction projects where work is **not** being performed by all building trades, it shall be the responsibility of each general contractors, homebuilders, owners and subcontractors to pay for permit fees **separately** and in accordance with the respective fee schedule.

All work shall be permitted in accordance with applicable state laws prior to starting work. for permit fees and permit all work in accordance with applicable state laws prior to starting work.

1. New buildings or additions	Included in the building permit fee
2. Minimum permit	$10.00
3. Each fixture unit	$5.00
4. Additional fixtures	$5.00
5. Sewer (new, extension, or replacement)	$5.00
6. Water service	$5.00
7. Installation, alteration, or repair of water piping and/or water Treating equipment, except in public right-of-way	$5.00
8. Each inspection will be	$5.00
9. Each additional inspection (after permit issuance)	$7.00
10. Filled septic tank inspection	$5.00
11. Swimming pool, irrigation meter, fill inspection	$20.00
12. Mobile Home or Modular Building Fee (Plumbing only) (Does not include plumbing site work)	$50.00
13. Plan Review	See Article Seven
14. Duplicate Permit Fee	See Article Seven
15. Request for Information	See Article Seven
16. Certificate of Final Inspection Fee - Residential	See Article Seven
17. Certificate of Final Inspection Fee – Commercial	See Article Seven
18. Minimum Housing Inspection Fee	$20.00
19. Re-inspection Fees	See Article Seven
20. Weekend and emergency inspections	See Article Seven
21. Construction Board of Appeals (Each request)	See Article Seven
22. Pre-Moving Fee (All building trades)	See Article Seven
23. Failure to Obtain Permit	See Article Seven
24 Permit Fee Extension	See Article Seven.

25. Other Permit Fees - Where no permit fees are listed, the City of Mobile shall determine the required permit fee.

26. A separate permit shall be required for each building or tenant unit for shell buildings. All roof drain and conductor pipes must be marked on permit. All additional fixtures and inspections must be paid before release to Water Board or Letter of inspection is issued.

27. 3% of all permit fees shall be designated for training, education and equipment for the department.

28. Permit Issuance Fee - $1.00 fee shall be assessed to all permits issued.

C. Miscellaneous.

1. A separate permit shall be required for each building or tenant unit for shell buildings. All roof drain and conductor pipes must be marked on permit. All additional fixtures and inspections must be paid before release to Water Board or Letter of inspection is issued.

2. Whenever a sub-contractor is dismissed from a job, an administrative fee of $100.00 shall be required to issue a permit to the new sub-contractor. The new sub-contractor shall re-permit the plumbing portion of the project.

3. On jobs where a general contractor or homebuilder is dismissed, a new set of plans may be required for review and the remaining portion of the work shall be permitted.

4. It shall be the responsibility of the permit holder to provide the City of Mobile with an adjusted valuation of all construction including, but not limited to, cost overrun(s) and change order(s) within forty-five (45) days of completion of said project.

5. On new construction and additions, the general contractor, homebuilder or owner will be required to submit the name, address and phone numbers of all trade sub-contractors.

D. Permit Fee Refund. See Article Twelve.

ARTICLE ELEVEN: SCHEDULE OF GAS PERMIT FEES. On gas system alterations, repairs and installations, a permit fee for each permit shall be paid at the time of filing an application. The applicable permit fees required by the City of Mobile shall be determined in accordance with the schedule of fees as listed and do not include fees required by other departments or agencies (See Article Two – Applicability).

A. Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Gas permits shall not be required for the following:

1. Portable heating appliances

2. Replacement of any minor component of equipment that does not alter approval of such equipment or make such equipment unsafe.

3. Any appliance, equipment, fuel system, fuel storage, methods or materials that have been deleted from the International Fuel Gas Code by means of Local Ordinance.

B. Gas Fee Schedule:
On all gas installations requiring a gas permit, a fee for each gas permit shall be paid as required at the time of filing the application, in accordance with the schedule that follows.

On construction or addition projects where work is performed by all building trades, the general contractor, homebuilder, or owner will be required to pay the permit fees for all building trades (Building, Electrical, Gas, Mechanical & Plumbing). However, it shall be the responsibility of the subcontractors to permit all work in accordance with applicable state laws prior to starting work.

On alterations, repairs, addition or construction projects where work is **not** being performed by all building trades, it shall be the responsibility of each general contractors, homebuilders, owners and subcontractors to pay for permit fees **separately** and in accordance with the respective fee schedule. All work shall be permitted in accordance with applicable state laws prior to starting work.

1. New buildings or additions	Included in the building permit fee
2. Permit (based on valuation of work) $1 to $1000 minimum	$30.00

3. $1000 and over	$8 per each additional $1000 or fraction thereof
4. Each inspection will be	$5.00
5. Each additional inspection (after permit issuance) (Minimum Permit is $30.00)	$7.00
6. Mobile Home or Modular Building Fee (gas only & does not include premise or structure gas piping.)	$50.00
7. Plan Review	See Article Seven
8. Duplicate Permit Fee	See Article Seven
9. Request for Information –	See Article Seven
10. Certificate of Final Inspection Fee - Residential	See Article Seven
11. Certificate of Final Inspection Fee – Commercial	See Article Seven
12. Re-inspection Fees	See Article Seven
13. Weekend and after hour inspections	See Article Seven
14. Construction Board of Appeals (each request)	See Article Seven
15. Failure to Obtain Permit (Other penalties in accordance with Article 1of the Mobile City Code may also apply)	See Article Seven

16. Permit Fee Extension See Article Seven.

17. Other Permit Fees - Where no permit fees are listed, the City of Mobile shall determine the required permit fee.

18. A separate permit shall be required for each building or tenant unit for shell buildings. All roof drain and conductor pipes must be marked on permit. All additional fixtures and inspections must be paid before release to Water Board or Letter of inspection is issued.

19. 3% of all permit fees shall be designated for training, education and equipment for the department.

20. Permit Issuance Fee - $1.00 fee shall be assessed to all permits issued.

C. Miscellaneous.

1. A separate permit shall be required for each building or tenant unit for shell buildings. All additional fixtures and inspections must be paid before release to Water Board or Letter of inspection is issued.

2. Whenever a sub-contractor is dismissed from a job, an administrative fee of $100.00 shall be required to issue a permit to the new sub-contractor. The new sub-contractor shall re-permit the gas portion of the project.

3. On jobs where a general contractor or homebuilder is dismissed, a new set of plans may be required for review and the remaining portion of the work shall be permitted.

4. It shall be the responsibility of the permit holder to provide the City of Mobile with an adjusted valuation of all construction including, but not limited to, cost overrun(s) and change order(s) within forty-five (45) days of completion of said project.

5. On new construction and additions, the general contractor, homebuilder or owner will

be required to submit the name, address and phone numbers of all trade sub-contractors.

D. Permit Fee Refund. See Article Twelve.

ARTICLE TWELVE: PERMIT FEE REFUND. The Building Official shall authorize the refunding of fees as follows:

A. The full amount of any permit fee paid hereunder that was erroneously paid or collected.

B. Not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

C. Not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

D. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee no later than 180 days after the date of fee payment.

The ordinance was read by the City Clerk; whereupon Councilmember Jones moved that the ordinance be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

ORDINANCE TO ADOPT A FUEL GAS CODE FOR THE CITY OF MOBILE. The following ordinance was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

ORDINANCE: 65-053-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA AS FOLLOWS:

ARTICLE ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2021 Edition of the International Fuel Gas Code, along with the amendments to the same contained in this Ordinance, has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama, on **November 8, 2022**, is hereby adopted as the "Fuel Gas Code of the City of Mobile."

ARTICLE TWO: Published Ordinance. A copy of this Ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said 2021 International Fuel Gas Code to be published in a newspaper, nor shall the same be spread at length upon the minutes of this Council, but this Ordinance shall be recorded in said minutes.

ARTICLE THREE: Effective Date. The said 2021 International Fuel Gas Code shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

ARTICLE FOUR: Contractors Criteria and Qualifications. Criteria and qualifications for all contractors shall be set herein. For the purpose of this ordinance the term contractor

will hereinafter refer to Gas Fitter Contractor as defined and added by **ARTICLE NINE** in **SECTION 202 GENERAL DEFINITIONS.**

Gas Fitter Contractors Responsibility. In addition to the requirements as set forth herein, all individuals, agents or businesses who install, alter, or modify all or part of a fuel gas system shall furnish proof that they possess an active Master certification card issued by the Alabama Plumbers and Gas Fitters Examining Board in accordance with all statutory requirements of the State of Alabama and the City of Mobile. A master or journeyman gas fitter must be present at all times during the installation of fuel gas systems.

Contractor License. It shall be the duty of every contractor who shall make contracts for the installation of fuel gas systems for which a permit is required, and every contractor making such contracts and sub-letting the same, or any part thereof, to pay a license tax as provided in the general license ordinance, and to register his/her name with the Code Official, in a book provided for that purpose, giving full name, residence and place of business, and, in case of removal from one place to another to have made corresponding change in said register accordingly. Every contractor shall conform to the building regulations, the regulation of this section, and other ordinances or laws of the applicable governing body.

ARTICLE FIVE: Surety Bond. In addition to the requirements as set forth herein, it shall be the duty of each builder, contractor and sub-contractor to provide and have on file a current license and Surety Bond for $10,000 in accordance with the City of Mobile and State of Alabama requirements. The bond is subject to the approval of City of Mobile Legal Department and shall be provided by a surety company qualified to do business in the State of Alabama. Such bond shall insure that the licensee complies with laws, ordinances and building regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

ARTICLE SIX: Criteria for Owners. All fuel gas installations shall be performed by a contractor as listed in ARTICLE FOUR. Owners are not permitted to install fuel gas systems.

ARTICLE SEVEN: Vehicular Signs. All trucks and similar vehicles used by contractors shall have signs on both sides of the body, including the full name, telephone number of the firm and the State of Alabama Certification numbers. Lettering may be any color in contrast to the color of the body, but letters identifying the firm's name must be at least 1 ½ inches high.

ARTICLE EIGHT: 2021 INTERNATIONAL FUEL GAS CODE > CHAPTER 1-SCOPE AND ADMINISTRATION > PART 1-SCOPE AND APPLICATION > Amend to read as follows:

Part 1- Scope and Application

SECTION 101 2021 INTERNATIONAL FUEL GAS CODE > SCOPE AND GENERAL

REQUIREMENTS- Amend to read as follows:

101.1 Title. Amend to read as follows:
101.1 Title. These regulations shall be known as the Fuel Gas Code of City of Mobile, Alabama, hereinafter referred to as "this Code."

101.2 Scope. Amend to read as follows:
101.2 Scope. This code shall apply to the installation of fuel-gas piping systems, fuel-gas appliances, fuel gas equipment and related accessories in accordance with Sections 101.2.2 through 101.2.5. The extent of enforcement of this code by the City of Mobile will be limited to new construction, additions, renovations, alterations, installation of

generators and central gas furnaces, replacement of generators and central gas furnaces and water heaters only.

Exception: Detached one- and two- family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures not more than three stories above grade plane in height, shall comply with this code.

Paragraph 101.2.1 Gaseous Hydrogen Systems. Delete in its entirety.

SECTION 102 2021 INTERNATIONAL FUEL GAS CODE > APPLICABILITY - Amend to read as follows:

Add Paragraph 102.12 Energy conservation. To read as follows:
102.12 Energy conservation. Where referenced, the International Energy Conservation Code shall be the energy code adopted and enforced by the State of Alabama.

Part 2-ADMINISTRATION AND ENFORCEMENT

SECTION 103 - 2021 INTERNATIONAL FUEL GAS CODE > CODE COMPLIANCE AGENCY - Amend to read as follows:

103.1 Creation of agency. Amend to read as follows:
103.1 Creation of agency. The “Fuel Gas Inspections Department” is hereby created and the official in charge thereof shall be known as the “Code Official”. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

SECTION 109 - 2021 INTERNATIONAL FUEL GAS CODE > FEES Amend to read as follows:

109.2 Schedule of permit fees. Amend to read as follows:
109.2 Schedule of permit fees. On all Fuel Gas System installations requiring a Fuel Gas System permit, a fee for each Fuel Gas System permit shall be paid as required at the time of application, in accordance with the “Building Code Permit Fee Schedule Ordinance” as adopted in a separate ordinance.

Amend SECTION 114 BOARD OF APPEALS to read as follows:
Amend Paragraph 114.1 to read as follows:
114.1 Membership of board. The Board of Appeals, herein called the Construction Board of Appeals, shall be in accordance with the applicable sections of the International Building Code which is adopted by a separate ordinance.

SECTION 115 – (IFGC) VIOLATIONS - Amend to read as follows:

115.4 Violation penalties. Amend to read as follows:
115.4 Violation penalties. Persons who shall violate a provision of the *2021 International Fuel Gas Code*, as amended, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or conduct any Fuel Gas work in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be prosecuted, and upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00). In addition, thereto, at the discretion of the court trying the case, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period not exceeding six (6) months. Other penalties in accordance with Chapter 1 of the Mobile City Code may also apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Notwithstanding any other provision of law, the maximum penalty for every person convicted of violating any of the following offenses are as follows:

1. A violation of any provision of ARTICLE FOUR: Contractors Criteria and Qualifications, of this Ordinance, shall be a $500 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. A violation of any provision of ARTICLE SEVEN: Vehicular Signs, of this Ordinance, shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3. Any act to impede, delay, deceive, obstruct, hinder, disturb or interfere in any manner with the Code Official in the execution of the Code Official's duties shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE NINE: 2021 INTERNATIONAL FUEL GAS CODE > CHAPTER 2 DEFINITIONS > Amend to read as follows:

SECTION 202 GENERAL DEFINITIONS - Amend to read as follows:
Add the following Definitions. To read as follows:
FLOOD HAZARD AREA. The area designated as a flood hazard area in accordance with the "Storm Water Management and Flood Control Ordinance" adopted and administrated by the City of Mobile's Engineering Department.

HISTORIC BUILDING. Any building or structure that is listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic Places; designated as a historic property under local or state designation; certified as a contributing resource within a National Register listed or locally designated district; or with an opinion or certification that the property is eligible to be listed in the Alabama Register or the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

GAS FITTER CONTRACTOR. Any individual or business licensed, registered and holding an active certification with Alabama Plumbers and Gas Fitters Examining Board, in accordance with all the statutory requirements of the State of Alabama and the City of Mobile.

ARTICLE TEN: 2021 INTERNATIONAL FUEL GAS CODE > CHAPTER 4 GAS

PIPING INSTALLATIONS > Amend to read as follows:

SECTION 412 (IFGC) LIQUEFIED PETROLEUM GAS MOTOR VEHICLE FUEL

DISPENSING FACILITIES. Delete in its entirety.

SECTION 413 (IFGC) COMPRESSED NATURAL GAS MOTOR VEHICLE FUEL

DISPENSING FACILITIES. Delete in its entirety.

SECTION 414 (IFGC) SUPPLEMENTAL AND STANDBY GAS SUPPLY. Delete in its entirety.

ARTICLE ELEVEN: 2021 INTERNATIONAL FUEL GAS CODE > CHAPTER 6

SPECIFIC APPLIANCES > Amend to read as follows:

SECTION 602 (IFGC) DECORATIVE APPLIANCES FOR INSTALLATION IN

FIREPLACES. Delete in its entirety.

SECTION 603 (IFGC) LOG LIGHTERS. Delete in its entirety.

SECTION 604 (IFGC) VENTED GAS FIREPLACES (DECORATIVE APPLIANCES. Delete in its entirety.

SECTION 605 (IFGC) VENTED GAS FIREPLACE HEATERS. Delete in its entirety.

SECTION 608 (IFGC) VENTED WALL FURNACES. Delete in its entirety.

SECTION 609 (IFGC) FLOOR FURNACES. Delete in its entirety.

SECTION 614 (IFGC) CLOTHES DRYER EXHAUST. To read as follows:

614.9.6 Exhaust duct required. To read as follows:
614.9.6 Exhaust duct required. Delete the Exception to 614.9.6 in its entirety.

SECTION 615 (IFGC) SAUNA HEATERS. Delete in its entirety.

SECTION 616 (IFGC) ENGINE AND GAS TURBINE-POWERED EQUIPMENT. Delete in

SECTION 617 (IFGC) POOL AND SPA HEATERS. Delete in its entirety.

SECTION 619 (IFGC) CONVERSION BURNERS. Delete in its entirety.

SECTION 621 (IFGC) UNVENTED ROOM HEATERS. Delete in its entirety.

SECTION 622 (IFGC) VENTED ROOM HEATERS. Delete in its entirety.

SECTION 624 (IFGC) WATER HEATERS. Amend to read as follows:

624.1 General. Amend to read as follows:
624.1 General. Water heaters shall be listed in accordance with ANZI Z21.10.1/CSA 4.1 or ANZI Z21.10.3/CSA 4.3 and shall be installed in accordance with the manufacturer's instructions.

SECTION 625 (IFGC) REFRIGERATORS. Delete in its entirety.

SECTION 626 (IFGC) GAS-FIRED TOILETS. Delete in its entirety.

SECTION 628 (IFGC) ILLUMINATING APPLIANCES. Delete in its entirety.

SECTION 629 (IFGC) SMALL CERAMIC KILNS. Delete in its entirety.

SECTION 631 (IFGC) BOILERS. Delete in its entirety.

SECTION 632 (IFGC) EQUIPMENT INSTALLED IN EXISTING UNLISTED BOILERS. Delete in its entirety.

SECTION 633 (IFGC) STATIONARY FUEL-CELL POWER SYSTEMS. Delete in its entirety.

SECTION 634 (IFGC) GASEOUS HYDROGEN SYSTEMS. Delete in its entirety.

SECTION 635 (IFGC) OUTDOOR DECORATIVE APPLIANCES. Delete in its entirety.

ARTICLE TWELVE: 2021 INTERNATIONAL FUEL GAS CODE > CHAPTER 7 GASEOUS HYDROGEN SYSTEMS > Amend to read as follows:

CHAPTER 7 GASEOUS HYDROGEN SYSTEMS - Delete in its entirety.

ARTICLE THIRTEEN: SEPARATION CLAUSE
If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The City Council of the City of Mobile hereby declares that it would have passed this Code and each section, subsection, clause, or phase thereof, irrespective of the fact that any one or more sections, subsections, sentences, or phrases be declared unconstitutional.

The ordinance was read by the City Clerk; whereupon Councilmember Jones moved that the ordinance be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

ORDINANCE TO ADOPT A MECHANICAL CODE FOR THE CITY OF MOBILE. The following ordinance was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

ORDINANCE: 65-054-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA AS FOLLOWS:

ARTICLE ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2021 Edition of the International Mechanical Code, along with the amendments to the same contained in this Ordinance, has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama, on **November 8, 2022,** is hereby adopted as the "Mechanical Code of the City of Mobile." The ordinance will become effective sixty (60) days after adoption by the City Council.

ARTICLE TWO: Published Ordinance. A copy of this Ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said 2021 International Mechanical Code to be published in a newspaper, nor shall the same be spread at length upon the minutes of this Council, but this Ordinance shall be recorded in said minutes.

ARTICLE THREE: Effective Date. The said *2021 International Mechanical Code* shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

ARTICLE FOUR: Contractors Criteria and Qualifications. Criteria and qualifications for all contractors shall be set forth herein. For the purpose of this ordinance the term contractor will hereinafter refer to Mechanical Contractor as defined and added by **ARTICLE NINE** in **SECTION 202 GENERAL DEFINITIONS.**

Mechanical Contractor's Responsibility. In addition to the requirements as set forth herein, all individuals, agents or business who install, alter or modify all or part of a heating, ventilation, air conditioning (HVAC), or refrigeration system shall furnish proof that they are licensed, registered and hold an active certification with the Alabama State Board of Heating, Air Conditioning and Refrigeration Contractors in accordance with all the statutory requirements of the State of Alabama and the City of Mobile.

Contractor License. It shall be the duty of every contractor who shall make contracts for the installation, alteration or repair of mechanical systems for which a permit is required, and every contractor making such contracts and subletting the same, or any part thereof, to pay a license tax as provided in the general license ordinance, and to register his/her name in a book provided for that purpose, with the Code Official, giving full name, residence, and place of business, and, in case of removal from one place to have made corresponding change in said register accordingly.

ARTICLE FIVE: Surety Bond. In addition, as set herein, it shall be the duty of each builder, contractor and subcontractor to provide and have on file a current license and

permit bond for $10,000 in accordance with the City of Mobile and State of Alabama requirements, based on Code of Alabama Section 34-3128. The Bond is subject to the approval of the City of Mobile Legal Department and shall be provided by a surety company qualified to do business in the State of Alabama.

Such bond shall ensure that the licensee complies with laws, ordinances and building regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the mechanical business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

ARTICLE SIX: Criteria for Owner to Obtain Permits. All mechanical installations shall be performed by a contractor as listed in ARTICLE FOUR. Owners are not permitted to install mechanical systems.

ARTICLE SEVEN: Vehicular Signs. All trucks and similar vehicles used by mechanical contractors shall have signs on both sides of the body, including the full name, telephone number of the firm and the State of Alabama HVAC & Refrigeration Certification numbers. Lettering may be any color in contrast to the color of the body, but letters identifying the firm's name must be at least 1 ½ inches high.

ARTICLE EIGHT: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 1 SCOPE

AND ADMINISTRATION > Part 1- Scope and Application > Amend as follows:

SECTION 101 SCOPE AND GENERAL REQUIREMENTS – Amend to read as follows:
101.1 Title. Amend to read as follows:
101.1 Title. These regulations shall be known as the Mechanical Code of City of Mobile, Alabama, hereinafter referred to as "this Code."

SECTION 102 APPLICABILITY – Amend to read as follows.

Add Paragraph 102.12 Energy Conservation. To read as follows:
102.12 Energy Conservation. Where referenced, the International Energy Conservation Code shall be the energy code adopted and enforced by the State of Alabama.

Part 2- Administration and Enforcement

SECTION 103 CODE COMPLIANCE AGENCY - Amend to read as follows:

103.1 Creation of Agency. Amend to read as follows:

103.1 Creation of Agency. The "Mechanical Inspections Department" is hereby created and the official in charge thereof shall be known as the "Code Official". The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

SECTION 109 FEES - Amend to read as follows:

109.2 Schedule of permit fees. Amend to read as follows:
109.2 Schedule of permit fees. On all mechanical installations requiring a mechanical permit, a fee for each mechanical permit shall be paid as required at the time of application, in accordance with the "Building Code Permit Fee Schedule Ordinance" as adopted in a separate ordinance.

SECTION 114 MEANS OF APPEAL -Amend to read as follows:

114.1 General. Amend to read as follows:
114.1 General. The Means of Appeal, herein called the Construction Board of Appeals, shall be in accordance with the applicable sections of the International Building Code which is adopted by a separate ordinance.

SECTION 115 VIOLATIONS – Amend to read as follows:

115.4 Violation penalties. Amend to read as follows:
115.4 Violation penalties. Persons who shall violate a provision of the *2021 International Mechanical Code* (IMC), as amended, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be prosecuted, and upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00). In addition, thereto, at the discretion of the court trying the case, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period not exceeding six (6) months. Other penalties in accordance with Chapter 1 of the Mobile City Code may also apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Notwithstanding any other provision of law, the maximum penalty for every person convicted of violating any of the following offenses are as follows:

1. A violation of any provision of **ARTICLE FOUR: Contractors Criteria and Qualifications,** of this Ordinance, shall be a $500 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. A violation of any provision of **ARTICLE SEVEN: Vehicular Signs,** of this Ordinance, shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3. Any act to impede, delay, deceive, obstruct, hinder, disturb or interfere in any manner with the Code Official in the execution of the Code Official's duties shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE NINE: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 2 DEFINITIONS > SECTION 202 GENERAL DEFINITIONS > Amend as follows:

Add DEFINITIONS - To read as follows:

FLOOD HAZARD AREA. The area designated as a flood hazard area in accordance with the "Storm Water Management and Flood Control Ordinance" adopted and administered by the City of Mobile's Engineering Department.

HISTORIC BUILDING. Any building or structure that is listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic Places; designated as a historic property under local or state designation; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed in the Alabama Register or the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

MECHANICAL CONTRACTOR. Any individual or business licensed, registered and holding an active certification with the Alabama State Board of Heating, Air Conditioning and Refrigeration Contractors, in accordance with all the statutory requirements of the State of Alabama and the City of Mobile.

ARTICLE TEN: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 3 GENERAL REGULATION > SECTION 307 CONDENSATE DISPOSAL > 307.2 Evaporators and cooling coils. > 307.2.1 Condensate disposal. > Amend as follows:

307.2.1.1 Condensate discharge. Amend to read as follows:
307.2.1.1 Condensate discharge. Condensate drains shall not directly connect to any plumbing drain, waste or vent pipe. Condensate drains shall not discharge into a plumbing fixture other than a floor sink, floor drain, trench drain, mop sink, hub drain, standpipe, utility sink or laundry sink. Condensate drain connections to a lavatory wye branch tailpiece

or to a bathtub overflow pipe shall not be considered as discharging to a plumbing fixture. Except where discharging to grade outdoors, the point of discharge of condensate drains shall be located within the same occupancy, tenant space or dwelling unit as the source of the condensate. These connections are considered acceptable only after prior approval by this office.

Add Paragraph 307.2.1.2 Condensate Drain Line Insulation. To read as follows:
307.2.1.2 Condensate Drain Line Insulation. Condensate drain lines shall be insulated to a 3/8" minimum thickness for the first six feet.

ARTICLE ELEVEN: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 5 EXHAUST SYSTEMS > SECTION 504 CLOTHES DRYER EXHAUST >Amend as follows:

504.1 Installation. Amend to read as follows:
504.1 Installation. Clothes dryers shall be exhausted in accordance with the manufacturer's instructions. Dryer exhaust systems shall be independent of all other systems and shall convey the moisture and any products of combustion to the outside of the building.

504.1 Installation. Exception. Delete in its entirety.

504.9.6 Exhaust duct required. Amend to read as follows:
504.9.6 Exhaust Duct Required. Where space for a clothes dryer is provided, an exhaust duct system shall be installed. Where the clothes dryer is not installed at the time of occupancy, the exhaust duct shall be capped at the location of the future dryer.
504.9.6 Exhaust Duct Required. Exception. Delete in its entirety.

ARTICLE TWELVE: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 6 DUCT SYSTEMS > 601 GENERAL > 601.5 Return air openings. > Amend as follows:

601.5 Return air openings. Sub-paragraph 2. Amend to read as follows:
601.5 Return air openings Sub-paragraph 2. Return air shall not be taken from a hazardous or insanitary location or a refrigeration room as defined in this code. In accordance with 2021 IPC Section 802.4 plumbing waste receptors shall not be installed in plenums, crawl spaces, attics, interstitial spaces above ceilings and below floors. Ready access shall be provided to waste receptors.

ARTICLE THIRTEEN: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 9 SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT > Amend as follows:

SECTION 901 GENERAL> 901.1 Scope. Amend to read as follows:

901.1 Scope. This chapter shall govern the approval, design, installation, construction, maintenance, alteration and repair of the appliances and equipment specifically identified herein except where deleted. The approval, design, installation, construction, maintenance, alteration and repair of gas-fired appliances specifically identified except where deleted shall be regulated by the International Fuel Gas Code.

SECTION 902 MASONRY FIREPLACES - Delete in its entirety

SECTION 903 FACTORY-BUILT FIREPLACES - Delete in its entirety.

SECTION 904 PELLET FUEL-BURNING APPLIANCES - Delete in its entirety.

SECTION 905 FIREPLACE STOVES AND ROOM HEATERS - Delete in its entirety.

SECTION 909 VENTED WALL FURNACES - Delete in its entirety.

SECTION 910 FLOOR FURNACES – Delete in its entirety.

SECTION 914 SAUNA HEATERS – Delete in its entirety.

SECTION 915 ENGINE AND GAS TURBINE-POWERED EQUIPMENT AND APPLIANCES – Delete in its entirety.

SECTION 916 POOL AND SPA HEATERS - Delete in its entirety.

SECTION 919 CONVERSION BURNERS - Delete in its entirety.

SECTION 921 VENTED ROOM HEATERS - Delete in its entirety.

SECTION 922 KEROSENE AND OIL-FIRED STOVES - Delete in its entirety.

SECTION 923 SMALL CERAMIC KILNS - Delete in its entirety.

SECTION 924 STATIONARY FUEL CELL POWER SYSTEMS - Delete in its entirety.

SECTION 925 MASONRY HEATERS – Delete in its entirety.

SECTION 926 GASEOUS HYDROGEN SYSTEMS – Delete in its entirety.

SECTION 929 UNVENTED ALCOHOL FUEL-BURNING DECORATIVE APPLIANCES - Delete in its entirety.

ARTICLE FOURTEEN: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 10 BOILERS, WATER HEATERS AND PRESSURE VESSELS > Amend as follows: CHAPTER 10 BOILERS, WATER HEATERS AND PRESSURE VESSELS - Delete in its entirety.

ARTICLE FIFTEEN: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 13 FUEL OIL PIPING AND STORAGE > Amend as follows:

ARTICLE SIXTEEN: SEPARATION CLAUSE. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The City Council of the City of Mobile hereby declares that it would have passed this Code and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, or phrases be declared unconstitutional.

The ordinance was read by the City Clerk; whereupon Councilmember Jones moved that the ordinance be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

ORDINANCE TO ADOPT A PLUMBING CODE FOR THE CITY OF MOBILE. The following ordinance was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

ORDINANCE: 45-055-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, AS FOLLOWS:

ARTICLE ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2021 Edition of the *International Plumbing Code* along with the amendments to the same contained in this Ordinance, has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama on **November 8, 2022,** is hereby adopted as the "Plumbing Code of the City of Mobile."

ARTICLE TWO: Published Ordinance. A copy of this Ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said *2021 International Plumbing Code* to be published in a newspaper, nor shall the same be spread at length upon the minutes of this Council, but this Ordinance shall be recorded in said minutes.

ARTICLE THREE: Effective Date. The said *2021 International Plumbing Code*, along with the amendments to the same, shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

ARTICLE FOUR: Contractors Criteria and Qualifications. Criteria and qualifications for all contractors shall be set herein. For the purpose of this ordinance the term contractor will hereinafter refer to Plumbing Contractor as defined and added by ARTICLE NINE in SECTION 202 GENERAL DEFINITIONS.

Contractor Responsibilities. Before any person, firm, or corporation shall engage in the plumbing business, he/she shall be qualified as set forth herein, and a license shall be obtained from the City, County, or State as required, and a proper bond posted. Where any plumbing work is being done, a Master Plumber or Journeyman Plumber shall at all times be present on the job and in actual control and in charge of the work being done. All plumbers shall be certified by the State of Alabama and Master Plumbers must be duly registered with the State of Alabama. An Alabama certified Master Plumber or Journeyman Plumber must be present at the time of the inspection for any below ground or concealed space areas. For all other inspections, their presence is not required.

Contractor License. It shall be the duty of every plumbing contractor who shall make contracts for the installation or repair of plumbing systems for which a permit is required and every contractor making such contracts and subletting the same, or any part thereof, to pay a license tax as provided in the general license ordinance. The plumbing contractor shall register his name in a book provided for that purpose, with the Code Official, giving full name, residence, and place of business, and, in case of removal from one place to another to have made corresponding change in said register accordingly.

ARTICLE FIVE: Surety Bond. In addition to the requirements as set forth herein, it shall be the duty of every plumbing contractor and sub-contractor to provide and have on file a current license and permit bond for $10,000. The bond is subject to the approval of The City of Mobile Legal Department and shall be provided by a surety company qualified to do business in the State of Alabama.

Such bond shall insure that the licensee complies with laws, ordinances and building regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the plumbing business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

ARTICLE SIX: Criteria for Owner to Obtain Permits. Homeowner's personally doing plumbing work, on the residence that they occupy and own, may be allowed to obtain plumbing permits for their residence after passing an in-house test. Sewer repair and replacements will be the exception to this testing requirement. All applicants must complete and sign an affidavit stating ownership and responsibility for all plumbing work. Any individual other than the owner performing work on a property is considered a plumbing contractor and shall meet the requirements of a plumbing contractor as set forth herein. All inspection criteria shall be the same as for plumbing contractors in ARTICLE

FOUR (Contractors Criteria and Qualifications). All other properties will be considered as commercial and subject to ARTICLE FOUR.

ARTICLE SEVEN: Vehicular Signs. All trucks and similar vehicles used by plumbing contractors shall have signs on both sides of the body, including the full name, address, and telephone number of the firm to which it belongs. Lettering may be any color in contrast to the color of the body, but letters indicating the firms name must be at least 1 ½ inches high.

ARTICLE EIGHT: 2021 INTERNATIONAL PLUMBING CODE > CHAPTER 1 SCOPE AND ADMINISTRATION > PART 1- SCOPE AND APPLICATION > Amend as follows:

SECTION 101 SCOPE AND GENERAL REQUIREMENTS – Amend to read as follows:

101.1 Title. Amend to read as follows:
101.1 Title. These regulations shall be known as the Plumbing Code of the City of Mobile, Alabama, herein after referred to as, "this Code."

101.2 SCOPE. Amend to read as follows:
101.2 Scope. The provisions of this Code shall apply to the erection, installation, alteration, repairs, relocation, and replacement, addition to, use or maintenance of plumbing systems within this jurisdiction.

101.2 Scope – Exception: Amend to read as follows:
Exception: Detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress, and their accessory structures not more than three stories above grade height, shall comply with the International Plumbing Code.

Add sub-paragraph 101.2.1 Appendices. To read as follows:
101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

Add sub-paragraph 101.2.2 Adopted Appendices. To read as follows:
101.2.2 Adopted Appendices. The following specific appendices shall be adopted.

B – RATES OF RAINFALL FOR VARIOUS CITIES.
D – DEGREE DAY AND DESIGN TEMPERATURES.
E – SIZING OF WATER PIPING SYSTEM.

SECTION 102 APPLICABILITY – Amend to read as follows:

102.6 Historic Buildings. Amend to read as follows:
102.6 Historic Buildings. The provisions of this Code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings, including those listed on the National Register of Historic Places or eligible for listing on the National Register of Historic Places, when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

102.7 Moved Buildings. Amend to read as follows:
102.7 Moved buildings. Except as determined by Section 102.2, plumbing systems that are part of buildings or structures moved into, or moved within, the jurisdiction shall comply with the provisions of this Code for new installations.

Add Paragraph 102.12 Energy Conservation. To read as follows:
102.12 Energy Conservation. Where referenced, the International Energy Conservation Code shall be the energy code adopted and enforced by the State of Alabama.

PART 2 > ADMINISTRATION AND ENFORCEMENT > SECTION 103 CODE COMPLIANCE AGENCY > Amend to read as follows:

SECTION 103.1 Creation of Agency. Amend to read as follows:
103.1 Creation of Agency. The Plumbing Inspections Department is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

SECTION 106 PERMITS – Amend to read as follows:

106.4 By whom application is made. Amend to read as follows:
106.4 By whom application is made. Application for a permit shall be made by the person or agent to install all or part of any plumbing system. The applicant shall meet all qualifications established by statute, or by rules promulgated, by this Code, or by ordinance, or by resolution. The full name and address of the applicant shall be stated in the application. An Alabama Master Plumbing License and Business License shall be required, except for homeowners personally performing work on the residence they occupy. In the case of a home-owners permit, the homeowner must pass a competency test, given by the Code Official, for plumbing work being performed. The exception will be replacing and/or repairing existing water services and/or existing sewer lines. All others must be duly registered, licensed plumbers with the City of Mobile.

Add sub-paragraph 106.4.1 For the purposes of water heater installations only. To read as follows:
106.4.1 For the Purposes of Water Heater Installations Only. A State certified Master Gas Fitter may purchase the permit for water heater installation. Said Master Gas Fitter must adhere to the same qualifications as plumbers.

106.5 Permit issuance. Amend to read as follows:
106.5 Permit issuance. The application, construction documents and other data filed by an applicant for permit shall be reviewed by the Code Official or his designated representative. If the Code Official finds that the proposed work conforms to the requirements of this Code and all laws and ordinances applicable thereto, the application has been signed by a licensed master plumber, the street address of the location is included, and applicable fees have been paid, a permit shall be issued to the applicant. If the application does not conform to the requirements a permit shall not be issued, and the application, with reason for refusal, shall be returned to the applicant. The Code Official may also refuse to issue permits to any individual who has failed to arrange for necessary inspections, as required by the Code, on previous permits. Projects that are re-permitted, under an existing / non-finaled permit, by a new plumber, will be required to re-permit the job in its entirety for all work under said permit.

SECTION 108 INSPECTIONS AND TESTING. > 108.2 Required inspections and testing. Amend to read as follows: - Amend to read as follows:

108.2 Required inspections and testing. Sub-paragraph 1. Amend to read as follows:

1. Underground inspection (rough-in) shall be made after trenches or ditches are excavated, piping installed and the piping bedded-in, to at least, the bottom half of the pipe diameter and before any backfill is put in place.

108.2 Required inspections and testing. Sub-paragraph 2. Amend to read as follows:

2. Top-out inspection shall be made after the roof, framing, fire blocking, firestopping, draft stopping and bracing is in place and all sanitary and water distribution piping is installed, and prior to the installation of wall or ceiling membranes.

108.2 Required inspections and testing. Sub-paragraph 3. Amend to read as follows:

3. Final inspection shall be made after the building is complete (except for partials), all plumbing fixtures are in place and properly connected and sealed, and the structure is ready for occupancy.

Add 108.2 Required inspections and testing. Sub-paragraph 4. To read as follows:

4. Building sewer and other underground inspections shall be made after the piping is installed and the pipe has been bedded-in, to at least, the bottom half of the pipe diameter. Underground piping shall be supported along its entirety before inspection(s)

Add 108.2 Required inspections and testing. Sub-paragraph 5. To read as follows:

5. Water service inspection shall be made after piping, valves, and back flow preventers are installed, and before any back fill is put in place. Underground piping shall be supported along its entirety before inspection(s)

SECTION 109 FEES. Amend to read as follows:

109.2 Schedule of permit fees. Amend to read as follows:
109.2 Schedule of permit fees. On all plumbing installations requiring a plumbing permit, a fee for each plumbing permit shall be paid as required at the time of filing the application, in accordance with the "Building Codes Permit Fee Schedule Ordinance" as adopted in a separate ordinance.

109.5 Refunds. Amend to read as follows:
109.5 Refunds. Plumbing permit refunds shall be issued in accordance with the "Building Codes Permit Fee Schedule Ordinance" as adopted in a separate ordinance.

SECTION 114 MEANS OF APPEAL - Amend as follows:

SECTION 114 MEANS OF APPEAL – Delete in its entirety.

Add SECTION 114 BOARD OF APPEALS. To read as follows:

SECTION 114 BOARD OF APPEALS

Add paragraph 114.1 Construction Board of Appeals. To read as follows:
114.1 Construction Board of Appeals. The Board of Appeals, herein called the Construction Board of Appeals, shall be in accordance with the applicable sections regarding appeals of the International Building Code and the Ordinance Adopting the International Building Code.

SECTION 115 VIOLATIONS. Amend as follows: 115.4
Violation penalties. Amend to read as follows: 115.4
Violation penalties. Persons who shall violate a provision of the *2021 International Plumbing Code* (IPC), as amended, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the Plumbing Official or of a permit or certificate issued under the provisions of this code shall be prosecuted, and upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00). In addition, thereto, at the discretion of the court trying the case, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period not exceeding six (6) months. Other penalties in accordance with Chapter 1 of the Mobile City Code may also apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Notwithstanding any other provision of law, the maximum penalty for every person convicted of violating any of the following offenses are as follows:

1. A violation of any provision of **ARTICLE FOUR: Contractors Criteria and Qualifications,** of this Ordinance, shall be a $500 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. A violation of any provision of **ARTICLE SEVEN: Vehicular Signs**, of this Ordinance, shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3. Any act to impede, delay, deceive, obstruct, hinder, disturb or interfere in any manner with the Code Official in the execution of the Code Official's duties shall be a $100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

115.6 Unsafe Plumbing. Amend to read as follows:
115.6 Unsafe Plumbing. Any plumbing regulated by this code that is unsafe or that constitutes a fire or health hazard, insanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of plumbing regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal. All septic tanks and cesspools shall be pumped and filled, by the permit holder, when connecting to an existing public sewer system.

ARTICLE NINE > 2021 INTERNATIONAL PLUMBING CODE > CHAPTER 2 DEFINITIONS > SECTION 202 GENERAL DEFINITIONS > Amend as follows:

Add the following Definitions - To read as follows:

COOKING ESTABLISHMENTS. Occupancy types that contain, utilize or propose the use of stoves and/or fryers.

HISTORIC BUILDING. Any building or structure that is listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic places; designated as a historic property under local or state designation; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed in the Alabama Register or the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

MAIN VENT. The principle vent for a plumbing system extending full sized from the building drain, through the roof.

PLUMBING CONTRACTOR. Any individual or business licensed, registered and holding an active certification with Alabama Plumbers and Gas Fitters Examining Board, in accordance with all the statutory requirements of the State of Alabama and the City of Mobile.

PREMISES. A lot, Plot or parcel of land, easement, public way or right-of-way, including any structures thereon.

Amend the following Definitions – Amend to read as follows:

FLOOD HAZARD AREA. The area designated as a flood hazard area in accordance with the "Storm Water Management and Flood Control Ordinance" adopted and administered by the City of Mobile's Engineering Department.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A system for disposal of domestic sewage by means of a septic tank, cesspool or mechanical treatment, designed for utilization apart from a public sewer to serve a single establishment or building. This system will be allowed only if public sewer is not available.

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the bacteriological and chemical quality requirements of the Alabama Department of Environmental Management (ADEM) drinking water standards. (A.D.E.M.-Admin code R335-7).
SEWER:

Sanitary sewer. A pipe, outside the footprint of the structure, that carries sewage and excludes storm, surface and ground water.

ARTICLE TEN: 2021 INTERNATIONAL PLUMBING CODE > CHAPTER 3 GENERAL REGULATIONS > Amend as follows:

301 GENERAL – Amend to read as follows:

301.3 Connections to drainage system. Exception: Amend to read as follows:

Exception: Bathtubs, showers, lavatories, clothes washers and laundry trays shall discharge to the sanitary drainage system. Drainage systems referenced in Chapter 14 shall be approved.

SECTION 305 PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS – **305.4 Freezing. Amend read as follows:**

305.4.1 Sewer depth. Amend to read as follows:
305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of schedule 40 pressure rated piping and have a minimum of 12 inches (305mm) cover at the point of grease trap or septic tank connection. Building sewers, less than schedule 40 pressure rated piping, or rated drain waste and vent only, that connect to public sewage systems shall have a minimum of 12” inches (458mm) cover, and shall not be placed under driveways, parking lots or areas otherwise subjected to vehicular or heavy equipment travel paths.

SECTION 307 STRUCTURAL SAFETY - Amend to read as follows:

307.6 Piping materials exposed within plenums. Amend to read as follows:
307.6 Piping materials exposed within plenums. Piping materials exposed within plenums shall comply with the provisions or the International Mechanical Code. No floor drain or other plumbing fixture shall be installed in a room containing air handling machinery when such room is used as a plenum. When rooms are used as a plenum, equipment drains shall be conveyed through an indirect waste receptor located outside such rooms or other approved point of disposal.

Add sub-paragraph 307.7 Prohibited locations. To read as follows:
307.7 Prohibited locations. No floor drain or other plumbing fixture shall be installed in a room containing air handling machinery when such room is used as a plenum. When rooms are used as a plenum, equipment drains shall be conveyed through an indirect waste receptor located outside such rooms or other approved point of disposal.

SECTION 308 PIPING SUPPORT. Amend to read as follows:

308.9 Parallel water distribution systems. Amend to read as follows:
308.9 Parallel water distribution systems. Piping bundles for manifold systems shall be supported in accordance with Table 308.5. Support at changes in direction shall be in accordance with the manufacturer’s instructions. Where hot water piping is bundled with cold or hot water piping, each hot water pipe shall be insulated.

Exception: This section shall not apply to residential occupancies.

SECTION 312 TESTS AND INSPECTIONS – Amend to read as follows:

312.2 Drainage and vent water test. Amend to read as follows:
312.2 Drainage and vent water test. A water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to a point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest openings of the section under test, and each section shall be filled with water, but no section shall be tested with less than 5-foot (1524mm) head of water. In testing successive sections, at least the upper 5 feet (1524mm) of the next

preceding section shall be tested so that no joint or pipe in the building, except the uppermost 5 feet (1524mm) of the system shall have been submitted to a test of less than a 5-foot (1524mm) head of water. The water shall be kept in the system, or in the portion under test, for at least 15 minutes before inspection starts. The system shall then be tight at all points.

312.6 Gravity sewer test. Amend to read as follows:
312.6 Gravity sewer test. The Code Official may require a gravity sewer test that shall consist of plugging the end of the building sewer at the point of connection with the public sewer, filling the building sewer with water, testing with not less than a 5-foot (1524mm) head of water and maintaining such pressure for 15 minutes.

312.8 Storm drainage system test. Delete in its entirety.

312.9 Shower liner test. This section will be used for reference only.

312.10 Inspection and testing of backflow prevention assemblies. Delete in its entirety.

ARTICLE ELEVEN: 2021 INTERNATIONAL PLUMBING CODE > CHAPTER 4 FIXTURES, FAUCETS AND FIXTURE FITTINGS > Amend as follows:

SECTION 403 MINIMUM PLUMBING FACILITIES – 403.1 Minimum number of fixtures. Amend to read as follows:

403.1.1 Fixture calculations. Delete Exception #2 in its entirety.

403.1.3 Lavatory Distribution. Amend to read as follows:
403.1.3 Lavatory Distribution. Lavatory distribution shall be distributed according to Table
403.1 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES

403.2 **Separate Facilities**. Delete Exception #6 in its entirety

SECTION 406 AUTOMATIC CLOTHES WASHERS - Amend to read as follows:

Add sub-paragraph 406.3 Washing machine standpipe. To read as follows:
406.3 Washing machine standpipe. Standpipe shall not terminate less than 34 inches above finished floor.

413 FLOOR AND TRENCH DRAINS - Amend to read as follows:

413.3 Size of floor drains. Amend to read as follows:
413.3 Size of commercial floor drains. Floor drains, trench drains and floor sinks, in commercial occupancies, shall have a minimum of 3-inch diameter (76 mm) drain outlet and opening.

Add sub-paragraph 413.5 Restrooms with urinals - To read as follows:
413.5 Restrooms with urinals. In restrooms with urinals, other than residential, floor drains shall be provided. Installation shall be in accordance with chapters 413.1, 413.2, and 413.3, and floors shall be sloped to the drain.

SECTION 416 FOOD WASTE DISPOSER UNITS - Amend to read as follows:

416.2 Domestic Food Waste Disposer Waste Outlets. Amend to read as follows:
416.2 Domestic Food Waste Disposer Waste Outlets. Domestic food waste disposers shall be connected to a trap and/or drain of not less than 2 inches (51mm) in diameter

416.3 Commercial Food Waste Disposer Waste Outlets. Amend to read as follows:
416.3 Commercial Food Waste Disposer Waste Outlets. Commercial food waste disposers shall be connected to a drain/trap not less than 2 inches (51mm) in diameter.

Commercial food waste disposers shall be connected and trapped separately from any other fixtures or sink compartments.

SECTION 420 MANUAL FOOD AND BEVERAGE DISPENSING EQUIPMENT -
Amend to read as follows:
Add sub-paragraph 420.2 Waste drains. To read as follows:
420.2 Waste drains. Waste drains for manual food and beverage dispensing equipment shall discharge to the grease trap.

SECTION 421 SHOWERS - Amend to read as follows:

421.3 Shower waste outlet. Amend to read as follows:
421.3 Shower waste outlet. Waste outlets serving showers shall be at least 2 inches (51mm) in diameter and for other than waste outlets in bathtubs, shall have removable strainers be not less than 3 inches in diameter with strainer openings not less than 0.25 inches in minimum dimension. Where each shower space is not provided with an individual waste outlet, the waste outlet shall be located, and the floor pitched so that waste from one shower does not flow over the floor area serving another shower. Waste outlets shall be fastened to the waste pipe in an approved manner.

SECTION 421 SHOWERS > 421.4 Shower compartments. > 421.4.1 Floor and wall areas. Amend to read as follows:

Add sub-paragraph 421.4.1.1 Tub and Shower Wall or Surround Replacement. To read as follows:
421.4.1 Tub and Shower Wall or Surround Replacement. Where the wall or surround for a tub and/or shower is removed, a new valve shall be installed that complies with Section 412.

ARTICLE TWELVE: 2021 INTERNATIONAL PLUMBING CODE > CHAPTER 5 WATER HEATERS > Amend as follows:

SECTION 501 GENERAL - Amend to read as follows:

501.4 Location. Amend to read as follows:
501.4 Location. Water heaters and storage tanks shall be located and connected so as to provide ready access for observation, maintenance, servicing and replacement. All tank type water heaters and storage tanks located in attics, or any overhead locations shall be accessible by a permanent fixed staircase.

Exception: 20 gallon and smaller, tank style heaters, may be installed on mezzanines without a permanent staircase. Additional disconnects will be required 6 feet maximum above finished floor so that direct access to the heater space will not be required to disconnect the appliance from water, gas and/or electricity. Access panels for the disconnects shall be marked with “factory” type labels. Tankless style heaters shall be allowed in attic spaces provided they have a pan and meet the requirements listed in 502.3. Water heaters shall not be installed above drop ceilings.

SECTION 502 INSTALLATION – Amend to read as follows:

502.1 General. Amend to read as follows:
502.1 General. Water heaters shall be installed in accordance with the manufacturer’s installation instructions. Oil-fired water heaters shall conform to the requirements of this Code and the 2021 International Mechanical Code. Electric water heaters shall conform to the requirements of this Code and provisions of the 2020 National Electrical Code. Gas fired water heaters shall conform to the requirements of the 2021 International Fuel Gas Code.

502.3 Water heaters installed in attics. Amend to read as follows:
502.3 Water heaters installed in attics. Attics containing a water heater shall be provided with a readily accessible opening and unobstructed passageway large enough to allow removal of the water heater. For tank type water heaters and storage tanks, the opening

shall be accessed by a permanently fixed staircase (See exception in 501.4). The passageway shall not be less than 30 inches (762mm) high and 22 inches (559mm) wide and not more than 20' feet (6096mm) in length when measured along the center line of the passageway from the opening to the water heater. The passageway shall have continuous solid flooring not less than 24 inches (610mm) wide. A level service space at least 30 inches (762mm) deep and 30 inches (762mm) wide shall be present at the front or service side of the water heater. The clear access opening shall be of sufficient dimensions to allow removal and replacement of the water heater, but in no case less than 20 inches by 30 inches (508mm by 762mm).

Add sub-paragraph 502.6 Prohibited locations. To read as follows:
502.6 Prohibited locations. Water heaters using solid, liquid or gas fuel shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces. Appliances shall not be located in a room containing air-handling machinery/equipment where that room is used as a plenum.

SECTION 503 CONNECTIONS - Amend to read as follows:

Add sub-paragraph 503.3 Non-metallic pipe. To read as follows:
503.3 Non-metallic pipe. Non-metallic pipe shall not be installed within 6" inches (152mm) of the inlet, outlet, or vent of any water heater. Exceptions shall be made for approved transition fittings, on electric heaters, that comply with this code and the manufacturer's installation instructions. Documentation from manufacturer required.

SECTION 504 SAFETY DEVICES - Amend to read as follows:

504.2 Vacuum relief valve. Amend to read as follows:
504.2 Vacuum relief valve. Bottom fed water heaters and bottom fed tanks connected to water heaters shall have a vacuum relief valve installed. The vacuum relief valve shall comply with ANSI Z21.22. The cold-water piping shall rise above the top of the water heater, to the vacuum relief valve before connecting to the tank inlet.

504.3 Shutdown. Amend to read as follows:
504.3 Shutdown. A means of disconnecting an electric hot water supply system from its power supply shall be provided. A disconnect switch shall be provided in accordance with 404.9.1 of the IECC and the 2020 National Electrical Code. A separate valve shall be provided to shut off the fuel supply to all other types of hot water supply systems. Required electrical disconnect, timers, controls and fuel shut off shall be located within 6 feet (1524mm) of the water heater and a maximum of 6 feet (1524mm) above finished floor with identifying label.

504.6 Requirements for discharge piping. Amend to read as follows:
504.6 Amend item #5 to read: Discharge to a waste receptor or to the outdoors only.

504.7 Required Pan. Amend to read as follows:
504.7 Required pan. Where water heaters or hot water storage tanks that are installed in locations where leakage of the tanks or connections will cause damage, the tank or water heater shall be installed in a pan that complies with the requirements of the *2021 International Plumbing Code.*

504.7.1 Pan size and drain. Amend to read as follows:
504.7.1 Pan size and drain. The pan shall not be less than 1 1/2 inches (38mm) deep and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect, hot rated waste pipe, having a minimum diameter of 1 inch (25.4mm).

Add SECTION 506 MINIMUM CAPACITIES – To read as follows:

Add sub-paragraph 506.1 Residential. To read as follows:
506.1 Residential. Water heaters installed in residential occupancies shall be sized in accordance with TABLE 506.

Add sub-paragraph 506.2 Commercial. To read as follows:
506.2 Commercial. Water heaters installed in commercial occupancies shall be sized by a qualified design professional, licensed in the State of Alabama. All food establishments shall have a 30-gallon minimum or equal. This includes coffee shops, smoothie or ice cream shops and similar establishments that are in the business of serving food or drinks.

Add TABLE 506 MINIMUM CAPACITIES FOR WATER HEATER to read as follows:

TABLE 506

MINIMUM CAPACITIES FOR WATER HEATER

FUEL		GAS	ELECT.	OIL	GAS	ELECT.	OIL	GAS	ELECT.	OIL	GAS	ELECT.	OIL
NUMBER OF BEDROOMS			1			2			3				
1 to 1 ½ Baths	Storage(gph)	20	20	30	30	30	30	30	40	30			
	Input	27	2.5	70	36	3.5	70	36	4.5	70			
	Draw(gph)	43	30	89	60	44	89	60	58	89			
	Recovery(gph)	23	10	59	30	14	59	30	18	59			
NUMBER OF BEDROOMS			2			3			4			5	
2 to 2 ½ Baths	Storage(gph)	30	40	30	40	50	30	40	50	30	50	66	30
	Input	36	4.5 58	70	36	5.5 72	70	38	5.5 72	70	47	5.5 88	70
	Draw(gph)	60	18	89	70	22	89	72	22	89	90	22	89
	Recovery(gph)	30		59	30		59	32		59	40		59
NUMBER OF BEDROOMS			3			4			5			6	
Baths	Storage(gph)	40	50	30	50	66	30	50	66	30	50	80	40
	Input 3 to 3 ½	38	5.5	70	38	5.5	70	47	5.5	70	50	5.5	70
	Draw(gph)	72	72	89	82	88	89	90	88	89	92	102	99
	Recovery(gph)	32	22	59	32	22	59	40	22	59	42	22	59

1 gph = 1.05 mL/s

Note:
1. Storage capacity, input and the recovery requirements indicated in the table are typical and may vary with each individual manufacturer. Any combination of these requirements to produce the 1-hour draw stated shall be satisfactory. Recovery is based on 100°F (37.8°C) water temperature rise. The input rating is in units of one thousand BTUs per hour for gas and oil, and one thousand watts per hour for electric.

Example: For a 3-bedroom, 2 bath residence there are three choices as follows: A 40-gal storage/30gph recovery gas heater; a 50-gal storage/22gph recovery electric heater; or a 30-gal storage/59gph recovery oil heater; or an equivalent combination which will produce at least a 70 gph total draw.

ARTICLE THIRTEEN: 2021 INTERNATIONAL PLUMBING CODE > CHAPTER 6 WATER SUPPLY AND DISTRIBUTION > Amend as follows:

SECTION 602 WATER REQUIRED - Amend to read as follows:

602.3 Individual Water Supply. Amend to read as follows:
602.3 Individual Water Supply. Every building in which plumbing fixtures are installed and all premises having water piping shall be connected to public water, where available. Where potable public water supply is not available, individual sources of potable water supply shall be approved.

SECTION 603 WATER SERVICE - Amend to read as follows:

603.1 Size of water service pipe. Amend to read as follows:
603.1 Size of water service pipe. The water service pipe and fixtures shall be sized to supply water to the structure in the quantities and at the pressures required by this Code. The minimum inside diameter of the water service shall be ¾ inch (19.1mm).

Add sub-paragraph 603.1.1 Fittings. To read as follows:

603.1.1 Fittings. All service lines with insert fittings having less than ¾ inch (19.1mm) inside diameter shall require a minimum of 1-inch (25.4mm) pipe to the first manifold or water heater.

Add Paragraph 603.2 Separation of water service and building sewer. Exception: To read as follows:

603.2 Separation of water service and building sewer.

Exception: This does not apply to force main or pressurized sewers; a separate ditch is required.

603.2.1 Water service near sources of pollution. Amend to read as follows:
603.2.1 Water service near sources of pollution. Potable water services pipes shall be separated from septic tanks, and septic tank disposal fields in accordance with Alabama Department of Public Health (ADPH) rules. See section 605.1 for soil and ground water conditions.

SECTION 604 DESIGN OF BUILDING WATER DISTRIBUTION SYSTEM Amend to read as follows:

604.1 General. Amend to read as follows:

Add sub-paragraph 604.1.1 Piping below slab. To read as follows:
604.1.1 Piping below slab. All piping below slab shall be seamless tubing.

604.3 Water distribution system design criteria. Amend to read as follows:

604.3 Water distribution system design criteria. The water distribution system shall be designed, and pipe and fitting sizes shall be selected such that under conditions of peak demand, the capacities at the fixture supply pipe outlets shall not be less than shown in Table 604.3. The minimum flow rate and flow pressure provided to the fixtures and appliances not listed in table 604.3 shall be in accordance with manufacturer's installation instructions. All systems utilizing insert type fittings that reduce the inside diameter of the pipe shall be limited to 1 fixture per ½ inch or less supply piping.

SECTION 605 MATERIALS, JOINTS AND CONNECTIONS - Amend to read as follows:

TABLE 605.3 WATER SERVICE PIPE - Amend as follows:
Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe and galvanized steel.

TABLE 605.4 WATER DISTRIBUTION PIPE - Amend as follows:
Delete: Galvanized steel pipe.

TABLE 605.5 PIPE FITTINGS - Amend as follows:
Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe

SECTION 607 HOT WATER SUPPLY SYSTEM - Amend to read as follows:

607.2 Hot or tempered water supply to fixtures. Amend to read as follows:
607.2 Hot or tempered water supply to fixtures. The developed length of hot or tempered water piping, from the source of hot water to the fixtures that require hot or tempered water, shall not exceed 50 feet (15 240 mm). Recirculating system piping and heat-traced piping shall be considered to be sources of hot or tempered water.

Exception: In residential occupancies the developed length of hot or tempered water piping from water heater to the fixture shall not exceed 100 feet.

SECTION 608 PROTECTION OF POTABLE WATER SUPPLY - Amend to read as follows:

608.18 PROTECTION OF INDIVIDUAL WATER SUPPLIES – Amend to read as follows:

608.18 Protection of individual water supplies. This section is for reference only; individual water supplies are regulated by the Alabama Department of Environmental Management (ADEM).

TABLE 608.18.1 for reference only.

TABLE 608.18.1

DISTANCE FROM CONTAMINATION TO PRIVATE

WATER SUPPLIES AND PUMP SUCTION LINES

SOURCE OF CONTAMINATION	DISTANCE (feet)
Barnyard	100
Farm silo	25
Pasture	100
Pump house floor drain of cast iron draining to ground surface	2
Seepage pits	100
Septic tank	50
Sewer	10
Subsurface disposal fields	100
Subsurface pits	100

For SI: 1 foot = 304.8mm.

ARTICLE FOURTEEN: 2012 INTERNATIONAL PLUMBING CODE > CHAPTER 7 SANITARY DRAINAGE > Amend to read as follows:

SECTION 701 GENERAL - Amend to read as follows:

701.2 Connection to sewer required. Amend to read as follows:
701.2 Connection to Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available. An approved private sewage disposal system in accordance with Alabama Department of Public Health rules shall be required where public sewer is not available.

Exceptions:
1. Alternative materials, design and methods of construction and equipment shall be approved. (Also see 301.3)

2. At the time of adoption of this Code, existing private sewage systems shall be allowed to remain in use until failure or repairs are necessary. Then connection to public sewer shall be required if it is available.

SECTION 702 MATERIALS –Amend to read as follows:

TABLE 702.1 ABOVE-GROUND DRAINAGE AND VENT PIPE
Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe and galvanized steel pipe.

702.2 Underground building sanitary drainage and vent pipe. Amend to read as follows:

Add sub-paragraph 702.2.1 Minimum size. To read as follows:
702.2.1 Minimum size. The minimum pipe size installed underground in a sanitary drainage system, within a building, shall be 2-inch (50.8mm) nominal pipe size.

TABLE 702.2 UNDERGROUND BUILDING DRAINAGE AND VENT PIPE
Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe.

TABLE 702.3 BUILDING SEWER PIPE
Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe.

TABLE 702.4 PIPE FITTINGS
Delete: Acrylonitrile butadiene styrene (ABS) plastic pipe.

SECTION 705 JOINTS > Amend to read as follows:

705.10 PVC plastic. 705.10.1 Mechanical joints. Amend to read as follows:
705.10.1 Mechanical Joints. Mechanical joints on drainage pipes of the same diameters shall consist of an elastomeric sealing sleeve and a metallic shield that comply with CISPI 310, ASTM C1277 or ASTM C1540. The elastomeric sealing sleeve shall conform to ASTM C564 or CSA B602 and shall be provided with a center stop. Alternative methods or materials shall be *approved.*

705.11 Vitrified clay. Amend to read as follows:
705.11 Vitrified clay. Mechanical joints on drainage pipes of the same diameters shall consist of an elastomeric sealing sleeve and a metallic shield that comply with CISPI 310, ASTM C1277 or ASTM C1540. The elastomeric sealing sleeve shall conform to ASTM C564 or CSA B602 and shall be provided with a center stop. Alternative methods or materials shall be approved.

SECTION 706 CONNECTIONS BETWEEN DRAINAGE PIPING AND FITTINGS - Amend to read as follows:

706.4 Heel- or side-inlet quarter bends. Delete in its entirety.

SECTION 707 PROHIBITED JOINTS AND CONNECTIONS – To read as follows:

Add 707.1 Prohibited joints #7. To read as follows:

707.1 Prohibited joints #7. Connections between drain and waste pipes, of the same diameter, without an approved shield.

SECTION 708 CLEANOUTS – 708.1 Cleanouts required. - 708.1.1 Horizontal drains and
building drains. Amend to read as follows:

Add sub-paragraph 708.1.1.1 Kitchen sink Cleanouts. To read as follows:
708.1.1.1 Kitchen Sink Cleanouts. A cleanout shall be required where the stack serving the kitchen sink is located on an exterior wall, or where the stack is located in a wall that is shared with the garage or storage room outside of the insulated building envelope. The cleanout shall be located above the horizontal connection of the drain arm to the stack, and shall open to the outdoors, garage or storage room.

Add 708.1.9 Installation arrangement. Exception #3. To read as follows:
708.1.9 Exception #3. Building sewer and property service lateral connection. There shall be a two way clean out fitting located at the sewer conjunction of service lateral and building sewer outside of right of way. Clean-out shall be installed on the lateral before any vertical or horizontal off-sets are made.

SECTION 709 FIXTURE UNITS – Amend as follows:

TABLE 709.1 DRAINAGE FIXTURE UNITS FOR FIXTURES AND GROUPS. Amend to read as follows:

Kitchen sink, domestic - Minimum size of trap (inches) shall be 2 (50.8mm).

Kitchen sink, domestic with food waste disposer, dishwasher or both - Minimum trap size (inches) shall be 2 (50.8mm).

Add: Domestic style breakroom sinks in commercial occupancies- Minimum trap size (inches) shall be 2 (50.8mm).

SECTION 710 DRAINAGE SYSTEM SIZING - Amend to read as follows:

TABLE 710.1. (1) BUILDING DRAINS AND SEWERS - To read as follows: Add Notes to TABLE 710.1 (1) as follows:

b. The maximum number of water closets on a 3-inch (76.2mm) pipe shall be 3.
c. No building sewer shall be less than 4-inch (101.6mm) diameter.
d. Minimum size of building drain, in a commercial building, shall be a minimum of 4 inches (101.6mm). and installed to the first restroom or bathroom group
e. The pipe size for the main building drain or main branch, for the grease waste system, shall be 4" minimum (101.6mm).

SECTION 714 BACKWATER VALVES - Amend to read as follows:

Paragraph 714.1 Sewage backflow. Amend to read as follows:
714.1 Sewage backflow. Where a plumbing drainage system may be subject to a back-flow of sewage including, but not limited to the installation fixtures below the level of the nearest upstream manhole cover, suitable provisions shall be made by the contractor or property owner, to prevent all on-premises (private property) generated effluent from entering the building. For off-premise generated effluent (not private property) either the owner, contractor, or, if part of the public sewer system, the public sewer authority may be required to install overflow protection for the premises. Check valves or mechanical devices shall not be allowed in the sanitary sewer system without approval of the Code Official.
EXCEPTION: Shall be left as written in the code

ARTICLE FIFTEEN: 2021 INTERNATIONAL PLUMBING CODE > CHAPTER 8 INDIRECT/SPECIAL WASTE > Amend as follows:

SECTION 802 INDIRECT WASTES –802.1 Where required. - Amend to read as follows:

802.1.2 Floor drains in food storage areas. Exception. - Amend as follows:

802.1.2 Floor drains in food storage areas. Exception. Delete in its entirety.

802.1.4 Swimming pools. Amend to read as follows:
802.1.4 Swimming Pools. Where wastewater from swimming pools, backwash from filters and water from pool deck drains discharge to the building drainage system, the discharge shall be through an indirect waste pipe by means of an air gap into a waste receptor. This waste receptor may connect to city sewer OR on-site irrigation. All discharged waste to irrigation shall comply with ADEM rules and regulations. Pool waste shall not be placed on streets, on or across neighboring properties, or any place in the estimation of the Code Official where it is considered a nuisance.

802.4 Waste receptors. Amend to read as follows:

802.4.2 Hub drains. To read as follows:
802.4.2 Hub Drains. A hub drain shall be in the form of a hub or a pipe extending not less than 1 inch (25mm) above a water-impervious floor. Hub drains shall have a minimum opening diameter of 4 inches (101.6mm) unless otherwise approved.

ARTICLE SIXTEEN: 2021 INTERNATIONAL PLUMBING CODE > CHAPTER 9 VENTS > Amend as follows:

SECTION 903 VENT TERMINALS – 903.1 Vent terminal required. - Amend to read as

follows:

903.1.1 Roof extension unprotected. Amend to read as follows:
903.1.1 Roof extension unprotected. All open vent pipes that extend through a roof shall be terminated not less than 6 inches (152mm) above the roof.

SECTION 906 VENT PIPE SIZING – 906.1 Size of stack vents and vent stacks. Amend as follows:

Add sub-paragraph 906.1.1 Minimum size. To read as follows:
906.1.1 Minimum size. Every building in which plumbing is installed shall have at least one stack the size of which is not less than 3 inches (76mm) in diameter. Such stack shall run undiminished in size and as directly as possible from the building drain through to the open air or to a vent header that extends to the open air. The main stack vent in a detached garage or other accessory building with 10 Drainage Fixture Units or less may be 2 inches.

SECTION 909 FIXTURE VENTS – Amend as follows:

909.1 Distance of trap from vent. Exception - Amend as follows:
909.1 Distance of trap from vent. Exception - Delete Exception in its entirety.

SECTION 912 – WET VENTING – 912.1 Horizontal wet vent permitted. –

Add sub-paragraph 912.1.1 VERTICAL WET VENT PERMITTED. Exception –To read as follows:

912.1.1 Vertical wet vent permitted.
Exception: Where a kitchen sink, with or without a dishwasher and/or disposal, is located on a common wall with a single bathroom group, that is vented by a single minimum 3” (76mm) vertical wet vent, such sink shall be allowed to discharge into that 3” (76mm) minimum size vertical stack. Automatic clothes washers shall not discharge into this arrangement.

SECTION 916–ISLAND FIXTURE VENTING > Amend as follows:

Add sub-paragraph 916.4 Optional Island Fixture Vent Permitted. To read as follows:
916.4 Optional Island Fixture Vent Permitted. A combination waste and vent is allowed for an island kitchen sink provided the vertical and horizontal drain is a minimum of 3” (76mm) in diameter, the horizontal drain is within 15’ (9.7m) of a vent or vented branch and a clean-out is provided on top of the 3-inch tee. If the upstream vent connection is an automatic clothes washer, that washer branch shall be 3” (76mm) minimum, up to and including, the horizontal to vertical 90°. Island vents used for applications other than island sinks shall be *approved.*

SECTION 917 SINGLE STACK VENT SYSTEM - Delete in its entirety.

SECTION 918 AIR ADMITTANCE VALVES – 918.1 General. – Amend as follows:

Add sub-paragraph 918.1.1 Connection. To read as follows:
918.1.1 Connection. Air admittance valves may be used only with prior approval of the Code official.

ARTICLE SEVENTEEN: 2021 INTERNATIONAL PLUMBING CODE > CHAPTER 10 > TRAPS, INTERCEPTORS AND SEPARATORS > SECTION 1003 INTERCEPTORS AND SEPARATORS > Amend as follows:

1003.1 Where required. Amend to read as follows:
1003.1 Where required. In addition to the requirements of this code, properly sized interceptors shall be required for cooking establishments, dumpsters serving cooking establishments and all three (3) basin sinks.

1003.3 Grease interceptors. – 1003.5 Hydromechanical grease interceptors, fats, oils and greases disposal systems and automatic grease removal devices. - Paragraph 1003.3.5.1 Grease Interceptor Capacity. Amend to read as follows:

1003.3.5.1 Grease interceptor capacity. Grease interceptors shall have the grease retention capacity indicated in Table 1003.3.5.1 for flow-through rates indicated. The minimum capacity requirement shall comply with Table 1003.3.5.1, unless designed by a qualified design professional licensed in the State of Alabama.

TABLE 1003.3.5.1 GREASE INTERCEPTOR CAPACITY - Amend to read as follows:

TABLE 1003.3.5.1A CITY OF MOBILE APPROVED GREASE TRAP SIZING FORMULA

Note: add 25 seats for each drive through

CODE	*EXPLANATION*
D	Total number of seats
MF	Meal Factor, based on establishment type and average time per meal 1.33 Fast Food/Cafeteria (45 min) 1.00 Restaurant (60 min) 0.67 Leisure Dining (90 min) 0.50 Dinner Club (120 min)
GL	Gallons of wastewater per meal 6 With dishwashing machine 5 Without dishwashing machine 2 Single service kitchen 1 Food Waste Disposal
RT	Retention time 2.5 Commercial kitchen 1.5 Single service kitchen
ST	Storage factor, based on hours of operation 1.0 Operation of 8 hours 1.5 Operation of 12 hours 2.0 Operation of 16 hours 2.5 Operation of 24 hours 1.5 Single service kitchen

Notes: 1. Minimum grease interceptor size, if connected to a septic tank system shall be determined by the Board of Health on site division.

2. Minimum grease interceptor size, if connected to public sewer, shall be 1,000 gallons, unless designed by a qualified design professional, licensed in the State of Alabama. A letter from the engineer and owner(s) will be required.

3. The minimum grease trap size required is the size as determined by the above formula. If this size, as determined by the formula, is less than 500 gallons, then the grease trap size shall be 500 gallons minimum, unless designed by a qualified design professional, licensed in the State of Alabama. The latter will require a letter from the engineer and business owner.

4. The construction plans submitted with the permit application shall show the capacity of the grease interceptor and the above grease interceptor capacity formula with all formula code values identified.

5. If there are no customers seats (carryout facility) use 25 for the number of seats. Add 25 seats to facilities that have a drive-thru, unless they have no seats. If the facility is a church, hospital, nursing home, school or daycare, the calculation will be 3 gallons per

meal served at meal time. For example, if a school has 2000 students they will need 6000-gals GT capacity (Per MAWSS).

Add sub-paragraph 1003.3.5.3 Grease interceptor sizing. To read as follows:
1003.3.5.3 Grease interceptor sizing. Grease trap (GT) size or grease interceptor (GI) capacity shall be determined by using the following formula and table:

D x MF x GL x RT x ST= GT size (gallons)

***For 3 basin sinks and interceptors other than ones intended for an entire cooking facility:

Basin length (inches) x Width (inches) x Depth (inches) =
Basin Cubic Inches
Basin Cubic Inches x Total number of Basins= Total Cubic Inches
Divide Total Cubic Inches by 231= GPM
GPM x 0.75 = Adjusted GPM
GPM x 1 = Flow Rate Capacity (gpm.)

***The resulting GPM is the required flow rate to drain the sink in one minute

Add sub-paragraph 1003.3.5.4 Baffling Requirements for unmarked (no ASTM#) Grease Interceptors. To read as follows:
1003.3.5.4 Baffling Requirements for unmarked (no ASTM#) Grease interceptors. All grease interceptors shall have a minimum of two (2) baffles. The nearest baffle from entry point of effluent shall allow flow under the baffle wall. The second baffle will allow flow over the top of baffle wall. Inlet tees shall have a drop pipe a min. of 12 inches long. Exit fittings (tees) shall have a drop pipe that extends to within 12 inches of bottom of tank. Suitable room for rodding must be allowed at top of each tee. All grease interceptors shall be accessible for pumping and cleaning with access covers at each end of trap.

Add sub-paragraph 1003.3.5.5 Grease Interceptor Sampling Port. To read as follows:
1003.3.5.5 Grease Interceptor Sampling Port. A clean out shall be installed immediately downstream of the grease interceptor for the purpose of acquiring grease interceptor effluent samples. The clean-out tee and the clean-out riser shall be one pipe size larger than the discharge piping serving the grease trap.

ARTICLE EIGHTEEN: 2021 INTERNATIONAL PLUMBING CODE > CHAPTER 11 STORM DRAINAGE > Amend as follows:

SECTION 1101 GENERAL - Amend to read as follows:

Add Paragraph 1101. Storm Water Drain Ordinance. To read as follows:
1101. Storm Water Drain Ordinance. This chapter is adopted for reference purposes only; Refer to the “Storm Water Management and Flood Control Ordinance” enforced by the City of Mobile Engineering Department.

ARTICLE NINETEEN: Amend CHAPTER 12 SPECIAL PIPING AND STORAGE SYSTEMS to read as follows:

Chapter 12 Special Piping and Storage – Delete in its entirety.

ARTICLE TWENTY: Amend CHAPTER 14 SUBSURFACE GRAYWATER SOIL ABSORBTION SYSTEMS > SECTION 1401 GENERAL > 1401.1 Scope. > Amend as follows:

Add sub-paragraph 1401.1.1 Approval. To read as follows:

1401.1.1 Approval. Chapter 14 may only be used with prior approval of the Code Official.

ARTICLE TWENTY-ONE: SEPARATION CLAUSE. If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The City Council of the

City of Mobile hereby declares that it would have passed this Code and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, or phrases be declared unconstitutional.

The ordinance was read by the City Clerk; whereupon Councilmember Jones moved that the ordinance be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

ORDINANCE TO AMEND CHAPTER 52, ARTICLE I OF THE MOBILE CITY CODE. The following ordinance was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

ORDINANCE: 65-056-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA. AS FOLLOWS:

ARTICLE ONE: Code and Appendices. That pursuant to Alabama Code Section 11-45-8 (1975), the *2021 Edition of the International Property Maintenance Code* and Appendices, as amended and contained in this ordinance, which has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama, on **November 8, 2022**, is hereby adopted as "The Property Maintenance Code of the City of Mobile." The ordinance will become effective sixty (60) days after adoption by the City Council.

ARTICLE TWO: Published Ordinance. A copy of this ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said 2021 International Property Maintenance Code to be published in a newspaper, nor shall the same be spread at length upon the Minutes of this Council, but this ordinance shall be recorded in said minutes.

ARTICLE THREE: Effective Date. The said *Property Maintenance Code of the City of Mobile* shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

CHAPTER 52, ARTICLE ONE, of the Mobile City Code, is hereby amended to read as follows:

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City of Mobile, hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners,* an owner's authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

101.3 Purpose. The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises.* Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and general welfare as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. An owner, owner's authorized agent, operator or occupant shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70 (National Electrical Code). Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

102.6 Structural analysis. Where structural analysis is used to determine if an unsafe structural condition exists, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the structure was constructed or in accordance with any subsequent requirement.

102.7 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.9 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.10 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.11 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 ADMINISTRATION AND ENFORCEMENT

SECTION 103 CODE COMPLIANCE AGENCY

103.1 General. The Code Compliance Agency for the City of Mobile is the Department of Municipal Enforcement and the official in charge thereof shall be known as the code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The code official shall be designated by the Mayor or the Mayor's designee.

103.3 Enforcement officers. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the Mayor, the Code Official shall have the authority to designate enforcement officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.

SECTION 104 FEES

104.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the applicable governing authority.

SECTION 105 DUTIES AND POWERS OF THE CODE OFFICIAL

105.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

105.2 Inspections. The code official shall make all of the required inspections or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the designating authority.

105.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

105.4 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

105.5 Notices and orders. The Code Official, or his or her designee, shall issue all necessary notices of violation or orders, municipal offense tickets, citations, uniform non traffic citation and complaint, or complaints and summons to ensure compliance with this code.

105.6 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

105.7 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

105.7.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

SECTION 106 APPROVAL

106.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

106.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

106.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or

methods, the code official shall have the authority to require tests to be made as evidence of compliance without expense to the jurisdiction.

106.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

106.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

106.4 Used material and equipment. Materials that are reused shall comply with the requirements of this code for new materials. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the code official.

106.5 Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

106.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

SECTION 107 MEANS OF APPEAL - Delete in its entirety

SECTION 108 BOARD OF APPEALS

108.1 Membership of board. The Board of Appeals, herein called the Construction Board of Appeals, shall be in accordance with the applicable sections regarding appeals of the International Building Code and the Ordinance Adopting the International Building Code.

SECTION 109 VIOLATIONS

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

109.2 Notice of violation. The Code Official shall serve a notice of violation, order, or citation in accordance with Section 111.4.

109.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

109.4 Violation penalties. It shall be unlawful for any person to violate any provision of this code. Upon conviction, any person violating this code shall be assessed a fine of not less than $250.00 and not more than $500.00, plus court costs and fees. Every day a violation of this code shall continue shall constitute a separate violation and offense. This section is expressly in addition to and is not intended to limit or in any other manner affect the provisions for civil infractions in section 109.3 herein or under law.

109.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or

premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 110 STOP WORK ORDER

110.1 Authority. Where the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

110.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

110.3 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

110.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

SECTION 111 UNSAFE STRUCTURES AND EQUIPMENT

111.1 Unsafe Conditions. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

111.1.1 Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

111.1.2 Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

111.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

111.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

111.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire- resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

111.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as to not be an attractive nuisance in accordance with 112.2.2. Upon failure of the owner to close up the premises within twenty (20) days of the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof, plus a fee equal to all direct and indirect costs incurred with administration and enforcement of this section in regard of the structure, shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

111.2.1 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

111.2.2 Boarding Methods Required for Commercial Property and Residential Property.

(a) General Requirement. Unless otherwise provided in this Chapter, all property that is unsecure shall be secured by boarding unsecure windows, doors, and other openings with sheeting material in accordance with this Section. As used herein, "sheeting material" or "sheeting" means a minimum of .177-inch thick clear or semi-clear shatter-proof polycarbonate material with a strength capable of sustaining impact without breaking or shattering, absent excessive force. Sheeting shall be installed in a manner intended to provide an appearance approximating glass in the window casings and consistent in appearance with the surrounding surface in the case of all other openings that require securing. Unless otherwise granted a waiver by the code official from strict compliance herewith, materials such as plywood, particle board, wafer board, Masonite or other similar material shall not be used for boarding up commercial property. Property may be boarded with polycarbonate sheeting material.

(b) Boarding Standard - Windows.
i. Internal Compression Method. Windows with broken, missing, or removed glass, or that are otherwise unsecure, shall be boarded as follows:

1. All remaining broken glass shall be removed from the window opening including damaged frames as to provide a clean opening.

2. The sheeting material shall be cut to match the dimensions of the inside of the window casing so that when installed, the sheeting will fit tightly and not permit a tool to be placed behind it.

3. A ½-inch hole shall be drilled into each of the four corners of the sheeting material. The holes shall be positioned so they are no more than 1-inch from the window frame at the width and no more than 6 inches from the windowsill and top frame.

4. Two solid continuous composite crossbeams shall be cut in sufficient length to be no less than 3.5 inches longer than the horizontal width of the interior window casing and extending not longer than 6 inches longer than the horizontal width of the interior window casing. Each crossbeam shall be predrilled with 7/16-inch holes that are positioned to match the horizontal pattern of the holes in the sheeting.

5. The sheeting shall be secured in place over the exterior of the window opening by placing a ⅜-inch corrosion resistant, smooth-head carriage bolt through each of the holes in the sheeting and then placing one washer onto each of the carriage bolts. the crossbeams shall then be aligned and affixed to such carriage bolts from the interior of the window opening. Another nut and washer shall be placed onto each of the carriage bolts and tightened with a ratchet to achieve sufficient torque and a slight deflection in the crossbeams so that the nuts cannot be loosened by hand. Once secured, no space shall exist between the sheeting and the exterior window casing. ii. Exterior Screw Method. Fixed or inoperable windows with intact glass. or windows in which the internal compression method is impractical shall be secured as follows:

1. The sheeting material shall be cut to match the dimensions of the inside of the window casing so that when installed, the sheeting will fit tightly and not permit a

tool to be placed behind it.

2. Drill and countersink holes shall be made along the perimeter of the sheeting material starting with a hole at each of the four corners and adding additional holes at 10-inch increments around the perimeter of the sheeting. Minimum length 2-inch corrosion resistant security head screws shall be used in each hole to affix the sheeting to the window frame or exterior casing.

3. In the event the sheeting cannot be secured by cutting the sheeting material so as to neatly fit the inside window casing, the sheeting shall be placed over the exterior window casing such that the sheeting material covers the entire window casing and is flush with the exterior dimension of the casing. The sheeting material shall be secured with minimum length 2-inch corrosion resistant security head screws secured at the corners, and along the sheeting outer edges in 10-inch spaced increments as described in subsection (a) above. iii. Waivers. The code official may grant waivers from this section under, but not limited to, the following circumstances:

1. Physical characteristics which make installation of the sheeting impractical (for example, due to excessive frame, door and/or wall damage, or windows that are in an arc or other unusual inset or characteristic);

2. Economic Hardships; or,

3. Unavailability of the sheeting material.

Properties the subject of the waiver may be secured in any manner, subject to the code official's approval, necessary to achieve substantive compliance with this chapter.

(c) Boarding Standard - Unsecure Doors; Sliding or Other Doors.

i. Exterior Access Door. At least one exterior door shall allow authorized persons access to the interior of the Property. Such exterior access door may be secured by:

1. Using a solid core wood or steel door with no windows or other openings in the door.

2. Or hinged sheeting material. The door shall be securely locked using a padlock and hasp assembly that is bolted through the door or sheeting material. The lock loop portion of the hasp shall be attached to the door frame using a minimum of 3-inch long security screws.

ii. Sliding glass doors and other exterior doors. Sliding glass doors or exterior doors other than the exterior access door shall be secured in the same manner as described in Section 112.2.2.(b).ii.

111.3 Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

111.4 Notices and orders for violations of this code. Whenever the Code Official determines that there has been a violation of this code, or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 114.1 and 114.2 to the owner, the owner’s authorized agent or the person responsible for the violation as specified in this code.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 110.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 111.4.1 and 111.4.2. Notices for condemnation procedures shall, except in cases of Emergency Measures as described in Section 113, also comply with Section 111.4.

111.4.1 Form. Such notice prescribed in Section 110.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner, or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

111.4.2 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Posted in a conspicuous place in or about the structure affected by such notice; and

2. Delivered personally, or, sent by certified and first-class regular U.S. mail to "occupant" at the address of the property and to the last known address of the owner(s) and all other parties with a legal interest in the property as reflected in the records of the Revenue Commissioner and Probate Court of Mobile County, Alabama.

Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by certified mail.
3. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

111.5 Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

111.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

111.7 Placarding. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placarding bearing the word "Condemned" and a statement of the penalties provided for occupying the premise the premises, operating the equipment, or removing the placard. Such notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment. 111.7.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been

eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

111.8 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or owner's authorized agent who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

111.9 Restoration or abatement. The structure or equipment determined to be unsafe by the code official is permitted to be restored to safe condition. The owner, owner's authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations, or additions are made, or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of the International Existing Building Code.

SECTION 112 EMERGENCY MEASURES

112.1 Imminent danger. When in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

112.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

112.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

112.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

112.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

112.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 113 DEMOLITION

113.1 General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

113.2 Notices and orders. Notices and orders shall comply with Section 111.4

113.3 Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

113.4 Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

CHAPTER 2 DEFINTIONS SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Exception: When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the International Existing Building Code.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EMERGENCY ESCAPE AND RESCUE OPENING. An operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HAZARD LIMB. A tree limb the Urban Forester has determined to have a structural defect and location that increases the chance of falling and hitting a target. The combination of a defect and target can result in property damage or personal injury.

HAZARD TREE. A tree the Urban Forester has determined to have a structural defect and location that increases the chance of falling and hitting a target. The combination of a defect and target can result in property damage or personal injury.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower. IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation, and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, firm or corporation having legal title to the real property, including any mortgage holder, bank, lien holder, company, institution, individual or other entity listed in the records of the Office of the Judge of Probate of Mobile County, and/or the estate of any deceased owner(s), and/or the last assessed owner in the property tax records of the Mobile County Revenue Commissioner.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TREE. A large woody perennial plant that grows to a mature height greater than 16 feet and typically has a single erect main stem (trunk) with side branches.

TREE LIMB. Any of the main branches arising from the main stem (trunk) of the tree.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

URBAN FORESTER. The City of Mobile employee specially trained in forestry, urban forestry, arboriculture and urbiculture, or his/her duly authorized designee.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3 GENERAL REQUIREMENTS SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the

responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control.

301.3 Vacant structures and land. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

302.5 Rodent harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10 Hazard tree. Any dead or hazard tree located on the premises which has the possibility to fall into the public way or right-of-way shall be removed. Failure to remove the hazard tree after receiving a notice of violation from the urban forester shall constitute a violation of this code section.

302.11 Hazard limb. Any dead or hazard tree limb 2 inches in diameter or larger that is attached to a tree located on the premises which has the possibility to fall into the public way or right-of-way shall be removed. Failure to remove the hazard limb after receiving a notice of violation from the urban forester shall constitute a violation of this code section.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.

3. Structures or components thereof that have reached their limit state;

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:
1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

304.4 Structural members. Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. Dwelling units which do not have a central air conditioning system shall have tightly fitting 16 mesh per inch (16 mesh per 25 mm) screens on all exterior openable windows and doors used or required for ventilation. Screens on windows and doors shall be stretched and fitted and maintained without open rips or tears. A closing device shall be installed on all screen doors.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.

3. Structures or components thereof that have reached their limit state.

4. Structural members are incapable of supporting nominal loads and load effects.

5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:
1. Where substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted when approved by the code official.

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe Conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as

unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: .

1. Soils that have been subjected to any of the following conditions:
   1.1. Collapse of footing or foundation system.

   1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.

   1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.

   1.4. Inadequate soil as determined by a geotechnical investigation.

   1.5. Where the allowable bearing capacity of the soil is in doubt.

   1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table. .

2. Concrete that has been subjected to any of the following conditions:

   2.1. Deterioration.
   2.2. Ultimate deformation.
   2.3. Fractures.
   2.4. Fissures.
   2.5. Spalling.
   2.6. Exposed reinforcement.
   2.7. Detached, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:
   3.1. Deterioration.
   3.2. Corrosion.
   3.3. Elastic deformation.
   3.4. Ultimate deformation.
   3.5. Stress or strain cracks.
   3.6. Joint fatigue.
   3.7. Detached, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
   4.1. Deterioration.
   4.2. Ultimate deformation.
   4.3. Fractures in masonry or mortar joints.
   4.4. Fissures in masonry or mortar joints.
   4.5. Spalling.
   4.6. Exposed reinforcement.
   4.7. Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:
   5.1. Deterioration.
   5.2. Elastic deformation.
   5.3. Ultimate deformation.
   5.4. Metal fatigue.
   5.5. Detached, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:
   6.1. Ultimate deformation.
   6.2. Deterioration.
   6.3. Damage from insects, rodents and other vermin.
   6.4. Fire damage beyond charring.
   6.5. Significant splits and checks.
   6.6. Horizontal shear cracks.
   6.7. Vertical shear cracks.

6.8. Inadequate support.
6.9. Detached, dislodged or failing connections.
6.10. Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted where approved by the code official.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 309 PEST ELIMINATION

309.1 Infestation. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single Occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

309.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as *owneroccupant*, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

SECTION 402 LIGHT

402.1 Habitable spaces. Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m^2), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted at all times with not less than a 60watt standard incandescent light bulb for each 200 square feet (19 m2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:
1. Where specifically approved in writing by the code official.

2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes Dryer Exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces. 404.2 Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:
1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m^2) and every bedroom shall contain not less than 70 square feet (6.5 m^2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m^2) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and *nonhabitable* spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5 MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1—2 occupants	3—5 occupants	6 or more occupants
Living room[a, b]	120	120	150
Dining room[a, b]	No requirement	80	100
Bedrooms	Shall comply with section 404.4.1		

For SI: 1 square foot = 0.0929 m^2.

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m^2). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m^2). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

404.7 Food preparation. Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy and structure or premises that does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, *backsiphonage*, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

505.5 NonPotable water reuse systems. *Nonpotable* water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

505.5.1 Abandonment of systems. Where a *nonpotable* water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of The International Plumbing Code.

SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6 MECHANICLA AND ELECTRICAL REQUIREMENTS SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to March 31 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable workspaces. Indoor occupiable workspaces shall be supplied with heat during the period from October 1 to March 31 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECANICAL EQUIPMENT

603.1 Mechanical equipment and appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.

603.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors, and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606 ELEVATORS, ESCALATORS AND DIMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHATER 7 FIRE SAFETY REQUIREMENTS SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

702.2 Aisles. The required width of aisles in accordance with the International Fire Code shall be unobstructed.

702.3 Locked Doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

702.4 Emergency escape and rescue openings. Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and both of the following:

1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

2. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Section 907.2.10 of the International Building Code. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703 FORE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance

and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

703.2 Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 114.1.1 of the International Fire Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 114.2 of the International Fire Code.

703.3 Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or *automatic closing* doors of approved construction meeting the fire protection requirements for the assembly.

703.3.1 Fire blocking and draft stopping. Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

703.3.2 Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

703.3.3 Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.

703.4 Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

703.4.1 Signs. Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: **FIRE DOOR – DO NOT BLOCK.**

2. For doors designed to be kept normally closed: **FIRE DOOR – KEEP CLOSED.**

703.4.2 Hold-open devices and closers. Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

703.4.3 Door operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

703.5 Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

703.6 Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

703.7 Vertical shafts. Interior vertical shafts, including stairways, elevator *hoist ways* and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the International Fire Code. New floor openings in existing buildings shall comply with the International Building Code.

703.8 Opening protective closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 Inspection, testing and maintenance. Fire protection and life safety systems shall be maintained in accordance with the International Fire Code in an operative condition at all times and shall be replaced or repaired were defective.

704.1.1 Fire protection and life safety systems. Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code, the International Fire Code and the International Building Code.

704.1.2 Required fire protection and life safety systems. Fire protection and life safety systems required by this code, the International Fire Code or the International Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the International Fire Code or the International Building Code has been granted shall be considered to be a required system.

704.1.3 Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following International Fire Code requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.13.5.
3. Automatic water mist extinguishing systems, see Section 904.11.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9
13. Single- and multiple-station smoke alarms, see Section 907.10.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.22.
16. Wet-chemical extinguishing systems, see Section 904.5.

704.2 Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

TABLE 704.2

FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

704.2.1 Records. Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

704.2.2 Records information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

704.3 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated, or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the International Fire Code to bring the systems back in service.

Exception: Facilities with an approved notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

704.3.1 Emergency impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the International Fire Code.

704.4 Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

704.4.1 Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of

the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

704.4.2 Removal of existing occupant-use hose lines. The fire code official is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the International Fire Code or the International Building Code.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

704.4.3 Termination of monitoring service. For fire alarm systems required to be monitored by the International Fire Code, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

704.5 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters “FDC” not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

704.5.1 Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the International Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

704.5.2 Clear space around connections. A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

704.6 Single and multiple-station smoke alarms. Single and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

704.6.1 Where required. Existing Group I-1 and R occupancies shall be provided with *single station* smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.

2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.

3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.6.1.1 Group R-1. Single or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1: 1. In sleeping areas.

2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.2 Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.6.1.1 or 704.6.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 m) horizontally from a permanently installed cooking appliance.

2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.

3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

704.6.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

704.6.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:
1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.6.3 Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and

shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.

2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

704.6.4 Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single and multiple station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.

2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.

3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the International Fire Code.

704.7 Single and multiple-station smoke alarms. Single and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit or shall be replaced if the date of manufacture cannot be determined.

SECTION 705 CARBON MONOXIDE ALARMS AND DETECTION

705.1 General. Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

704.3 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated, or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the International Fire Code to bring the systems back in service.

Exception: Facilities with an approved notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

704.3.1 Emergency impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the International Fire Code.

704.4 Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

704.4.1 Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

704.4.2 Removal of existing occupant-use hose lines. The fire code official is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the International Fire Code or the International Building Code.

2. The hose line would not be utilized by trained personnel or the fire department.

3. The remaining outlets are compatible with local fire department fittings.

704.4.3 Termination of monitoring service. For fire alarm systems required to be monitored by the International Fire Code, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

704.5 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters “FDC” not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

704.5.1 Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the International Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

704.5.2 Clear space around connections. A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

704.6 Single and multiple-station smoke alarms. Single and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

704.6.1 Where required. Existing Group I-1 and R occupancies shall be provided with *single station* smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:
1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.

2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.

3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.6.1.1 Group R-1. Single or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.

2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.2 Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.6.1.1 or 704.6.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 m) horizontally from a permanently installed cooking appliance.

2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.

3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

704.6.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

704.6.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless

alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:
1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.6.3 Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:
1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.

2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

704.6.4 Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single and *multiple station* smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.

2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.

3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the International Fire Code.

704.7 Single and multiple-station smoke alarms. Single and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit or shall be replaced if the date of manufacture cannot be determined.

SECTION 705 CARBON MONOXIDE ALARMS AND DETECTION

705.1 General. Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

705.2 Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

CHAPTER 8 REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.8.

ASME	American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990	
Standard reference number	Title	Referenced in code section number
ASME A17.1/CSA B44-19	Safety Code for Elevators and Escalators	606.1
ASTM	ASTM International 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959	
Standard reference number	Title	Referenced in code section number
F 1346-91 (2018)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

ICC	International Code Council 500 New Jersey Avenue, NW 6th Floor Washington, DC 20001	
Standard reference number	Title	Referenced in code section number
IBC-21	International Building Code*	102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 403.1, 604.3.2.1, 702.3, 704.4.2
IEBC-21	International Existing Building Code*	102.3, 201.3, 304.1.1, 305.1.1, 306.1.1
IECC-21	International Energy Conservation Code*	102.3
IFC-21	International Fire Code*	102.3, 201.3, 604.3.1.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1, 704.4.2, 704.4.3, 704.5.1, 704.6.4, 705.1
IFGC-21	International Fuel Gas Code*	102.3, 201.3
IMC-21	International Mechanical Code*	102.3, 201.3
IPC-21	International Plumbing Code*	102.3, 201.3, 502.5, 505.5.1, 602.2, 602.3
IRC-21	International Residential Code*	102.3, 201.3
IZC-21	International Zoning Code*	102.3, 201.3
NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269-7471	
Standard reference number	Title	Referenced in code section number
10-21	Standard for Portable Fire Extinguishers	Table 704.2

Standard reference number	Title	Referenced in code section number
268—2016	Smoke Detectors for Fire Alarm Systems—with revisions through July 2016	704.6.4

Secs. 52-2—52-20. Reserved.

12-18	Standard on Carbon Dioxide Extinguishing Systems	Table 704.2
12A-18	Standard on Halon 1301 Fire Extinguishing Systems	Table 704.2
17-20	Standard on Dry Chemical Extinguishing Systems	Table 704.2
17A-20	Standard for Wet Chemical Extinguishing Systems	Table 704.2
25-20	Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	Table 704.2
70-20	National Electrical Code	102.3, 201.3, 604.2
72-19	National Fire Alarm and Signaling Code	Table 704.2
80—19	Standard for Fire Doors and Other Opening Protectives	703.3.3, 703.4
105—19	Standard for Smoke Door Assemblies and Other Opening Protectives	703.3.2
204—18	Standard for Smoke and Heat Venting	Table 704.2
720—15	Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment	705.2
750—19	Standard on Water Mist Fire Protection Systems	Table 704.2
2001—18	Standard on Clean Agent Fire Extinguishing Systems	Table 704.2
UL	Underwriters Laboratories, LLC 333 Pfingsten Road Northbrook, IL 60062	

The ordinance was read by the City Clerk; whereupon Councilmember Jones moved that the ordinance be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

ORDINANCE TO ADOPT A RESIDENTIAL CODE FOR THE CITY OF MOIBLE. The following ordinance was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

ORDINANCE: 65-057-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, AS FOLLOWS:

ARTICLE ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2021 Edition of the International Residential Code and Appendices, along with the amendments to the same contained in this ordinance, which has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama, on **November 8, 2022,** is hereby adopted as the "Residential Building Code of the City of Mobile."

ARTICLE TWO: Published Ordinance. A copy of this ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said 2021 International Residential Code to be published in a newspaper, nor shall the same be spread at length upon the Minutes of this Council, but this ordinance shall be recorded in said Minutes.

ARTICLE THREE: Effective Date. The said 2021 International Residential Code shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

ARTICLE FOUR: Contractors Criteria and Qualifications. Criteria and qualifications for all contractors shall be set forth herein.

Contractor Responsibilities. It shall be the duty of every contractor who shall make contracts for the construction, installation, repair, or modifications of buildings, for which a permit is required, to be properly licensed and bonded in accordance with all the City of Mobile and State of Alabama requirements. The contractor shall register his/her name in a register with the Building Official in a book provided for that purpose. The said book shall record the full name, residence and place of business and it shall be the contractor's responsibility to notify the City of Mobile of any changes. In addition to the requirements as set forth herein, all individuals, agents or businesses who perform work that exceeds $10,000 are required to be a homebuilder, remodeler, or general contractor in accordance with all the statutory requirements of the State of Alabama and City of Mobile.

ARTICLE FIVE: Surety Bond. In addition to the requirements as set forth herein, it shall be the duty of every builder; contractor and sub-contractor to provide and have on file a current License and Permit Bond for $10,000. The bond is subject to the approval of City of Mobile Legal Department and shall be provided by a surety company qualified to do business in the State of Alabama.

Such bond shall insure that the licensee complies with laws, ordinances and building regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the building business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

ARTICLE SIX: Criteria for Owners to Obtain Permits. For the purpose of this Code, an owner physically doing the work themselves may be issued a permit upon the Building Official's satisfaction that the owner is competent to perform the work for which the permit is requested and completion of a Building Affidavit. Any individual other than the owner doing the work on the property is considered a contractor and shall meet the requirements of a contractor and shall comply with all applicable laws, codes, and ordinances. All inspections criteria shall be the same as for contractors in SECTION R109 INSPECTIONS. All other properties will be considered as commercial and subject to ARTICLE FOUR in this Ordinance.

ARTICLE SEVEN: Vehicular Signs. All trucks and similar vehicles used by contractors and subcontractors shall have signs on both sides of the body of said vehicle indicating the full name, address, and telephone number of the firm to which it belongs. Lettering may be any color in contrast to the color of the body, but letters must be at least 1 ½ inches high, identifying the firm's name.

ARTICLE EIGHT: 2021 INTERNATIONAL RESIDENTIAL CODE > Part 1 Administrative > CHAPTER 1 SCOPE AND ADMINISTRATION > Part 1-Scope and Application > To be amended as follows:

R101 Scope and general Requirements – R101.1 Title. To read as follows:
R101.1 Title. These provisions shall be known as the Residential Code for One-and Two-Family Dwellings of the City of Mobile and shall be cited as such and will be referred to herein as “this Code.”

SECTION R102 APPLICABILITY - R102.4 Referenced codes and standards. – Amend to read as follows:

Add Paragraph R102.4.3 Mechanical. To read as follows:
R102.4.3 Mechanical. The provisions of the 2021 International Mechanical Code, and adopted ordinances 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.

Add Paragraph R102.4.4 Plumbing. To read as follows:
R102.4.4 Plumbing. The provisions of the 2021 International Plumbing Code, and adopted ordinances shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.

Add Paragraph R102.4.5 Property Maintenance. To read as follows:
R102.4.5 Property Maintenance. The provisions of the 2021 International Property Maintenance Code and adopted ordinances shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life, and fire safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing premises and structures.

Add Paragraph R102.4.6 Fire Prevention. To read as follows:
R102.4.6 Fire Prevention. The provisions of the 2021 International Fire Code, and adopted ordinances 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.

Add Paragraph R102.5.1 Adopted Appendices. To read as follows:
Paragraph R102.5.1 Adopted Appendices. The following appendices shall be adopted:

Appendix AE - Manufactured Housing Used as Dwellings
Appendix AF - Radon Control Methods
Appendix AH - Patio Covers
Appendix AJ - Existing Buildings and Structures
Appendix AK - Sound Transmission
Appendix AM - Home Day Care R-3 Occupancy
Appendix AO - Automatic Vehicular Gates
Appendix AQ – Tiny Houses

Part 2-Administration and Enforcement
SECTION R103 DEPARTMENT OF BUILDING SAFETY – Amend To read as follows:

R103.1 Creation of enforcement agency. Amend to read as follows:
R103.1 Creation of Enforcement Agency. The Department of Building Safety is hereby created, herein shall be called Build Mobile, and the official in charge thereof shall be known as the Building Official.

SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL – R104.10 Modifications. Amend to read as follows:

R104.10.1 Flood hazard areas. Amend to read as follows:
R104.10.1 Flood hazard areas. The Building Official shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1) without the granting of a variance to such provisions by the City of Mobile "Storm Water Management and Flood Control Ordinance". Shall be in accordance with International Building Code; applicable section, which is adopted by separate ordinance.

SECTION R105 PERMITS – Amend to read as follows:

R105.2 Work exempt from permits. Amend to read as follows:

Electrical: – Delete in its entirety.

Gas: – Delete in its entirety.

Mechanical: – Delete in its entirety.

Plumbing:– Delete in its entirety.

Paragraph R105.3 Application for Permit. Amend to read as follows:

R105.3 Application for Permit. Add sub-paragraphs as follows:

8. Applicant must provide proper identification.

9. Applicant must verify ownership of property.

SECTION R108 FEES. Amend to read as follows:

R108.2 Schedule of permit fees. To read as follows:

R108.2 Schedule of permit fees. On all buildings, structures, electrical, plumbing, and mechanical systems, or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the "Building Codes Permit Fee Schedule Ordinance" as adopted in a separate ordinance.

R108.5 Refunds. Amend to read as follows:
R108.5 Refunds. Building permit refunds shall be issued in accordance with the policies spelled out in the "Building Codes Permit Fee Schedule Ordinance" as adopted in a separate ordinance.

SECTION R112 BOARD OF APPEALS - Amend to read as follows:

R112.1 General. - Delete in its entirety.
R112.2 Limitations on authority. - Delete in its entirety.
R112.3 Qualifications. – Delete in its entirety.
R112.4 Administration. – Delete in its entirety.

Add Paragraph R112.1 General. To read as follows:
R112.1 General. Board of Appeals shall be in accordance with applicable sections of the International Building Code and the Ordinance Adopting the International Building Code.

Add Paragraph R112.2 Determination of substantial improvements in flood prone areas. To read as follows:
R112.2 Determination of substantial improvements in flood prone areas. Shall be in accordance with the City of Mobile "Storm Water Management and Flood Control Ordinance" administered and enforced by the City of Mobile Engineering Department.

Add Paragraph R112.3 Criteria for issuance of a variance for areas prone to flooding. To read as follows:

R112.3 Criteria for issuance of a variance for areas prone to flooding. Variance for areas prone to flooding shall be in accordance with the City of Mobile "Storm Water Management and Flood Control Ordinance".

SECTION R113. VIOLATIONS – Amend To read as follows:

Paragraph R113.4 Violations Penalties. To read as follows:

Add Sub-Paragraph (A)

(A) Violation of the provisions of the 2021 International Residential Code (IRC) shall be subject to $250.00 unless otherwise listed below:

1. Occupying building without Certificate of Occupancy	$300.00
2. Working without proper license and certifications	$500.00
3. Signage on all vehicles used by contractor.	$100.00
4. Interference with Building Official	$100.00

ARTICLE NINE: 2021 INTERNATIONAL RESIDENTIAL CODE > Part II-Definitions > CHAPTER 2 DEFINITIONS > SECTION R202 DEFINITIONS > Amend to read as follows:

Add DEFINITIONS – To read as follows:

FLOOD HAZARD AREA. The area designed as a flood hazard area in accordance with the "Storm Water Management and Flood Control Ordinance" adopted and administered by the City of Mobile's Engineering Department.

HISTORIC BUILDING. Any building or structure that is listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic Places; designated as a historic property under local or state designation; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed in the Alabama Register or the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

ARTICLE TEN: 2021 INTERNATIONAL RESIDENTIAL CODE > Part III – Building Planning and Construction > CHAPTER 3 BUILDING PLANNING > Amend as follows:

SECTION R301 DESIGN CRITERIA - Amend to read as follows:

Table R301.2 Climatic and Geographic Design Criteria - To read as follows:

TABLE R301.2

Ground Snow Load	Wind Design		Seismic Design	Subject To Damage From			Winter Design	Ice Barrier Underlayment	Flood Hazard	Air Freezing	Mean Annual
	Speed (MPH)	Topographic Effects	Category	Weathering	Frost Line Depth	Termites	Temp	Required		Index	Temp
0	Ultimate 159	No	A	Negligible	12 Inches	Needed	29	No	Yes	1500	67.5 degrees

SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEM – Amend to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. – Delete in its entirety.

R313.2 One- and two-family dwellings automatic sprinkler systems. – Delete in its entirety.

Add R313.1 Automatic Fire Sprinkler System. To read as follows:

R313.1 Automatic Fire Sprinkler System. Shall be in accordance with the State of Alabama Energy Conservation Code. Code of Alabama 1975 – Title 41: State Government – Section 41-2385 – Function of Board and Division

SECTION R318 PROTECTION AGAINST SUBTERRANEAN TERMITES >
R318.2 Chemical termiticide treatment. - Amend to read follows:

Add Paragraph R318.2.1 Treatment verification. To read as follows:

R318.2.1 Treatment verification. It shall be the responsibility of the permit holder to provide a receipt from a licensed and bonded pest control specialist to certify soil treatment or field applied wood treatment and materials used.

Amend SECTION R322 FLOOD-RESISTANT CONSTRUCTION to read as follows:
R322.1.4 Establishing the design flood elevation. Amend to read as follows:

R322.1.4 Establishment of special flood hazard areas. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in the most current adopted Flood Insurance Study entitled “The Flood Insurance Study for Mobile County, Alabama and Incorporated Areas”, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section. Where there is a difference between the ordinances relating to flood hazard areas, flood hazard map, supporting data or code, the more stringent provision shall prevail.

Add paragraph 322.1.4.3 Variance and appeal. To read as follows.
322.1.4.3 Variance and appeal. The variance and appeal procedure shall be in accordance with the applicable sections of the adopted “Storm Water Management and Flood Control Ordinance” which is administered and enforced by the City of Mobile Engineering Department.

2021 INTERNATIONAL RESIDENTIAL CODE > CHAPTER 9 ROOF ASSEMBLIES >
Amend as follows:
ADD THE FOLLOWING COASTAL CONSTRUCTION CODE SUPPLEMENT (CCCS):
Where there is a conflict between the general requirement of the 2021 IRC and a specific requirement of the CCCS, the specific requirement of the CCCS shall be applicable.

S1 Roof Coverings
Roof coverings and their attachment shall be rated for the ASCE 7 design wind speed or corresponding wind and uplift pressures for the site location of the building and shall be installed in accordance with the manufacturer's recommendations for high-wind regions.

S1.1 Asphalt Shingles:
Asphalt shingles shall be tested in accordance with ASTM D7158 or ASTM D3161 and meet Class H or F requirements. Their packaging shall be labeled to indicate compliance with ASTM D7158 Class H or ASTM D3161 Class F.

S1.1.1 Shingle attachment:
Shingles shall be installed using the number of fasteners required by the manufacturer for high wind fastening. In areas where the local building code requires more fasteners than required by the manufacturer, fasteners shall comply with the local building code.

S1.1.2 Drip Edge Installation
A metal drip edge (minimum 26-gauge steel) shall be installed over underlayment along all eaves and gable rake edges. Drip edge flange shall extend a minimum of 1/2 inch below the sheathing. Drip edge shall be attached at 4 inches on center using roofing nails in a staggered pattern along the length of the drip edge. Drip edges shall be overlapped a minimum of 3 inches and secured with 2 nails at overlaps.

Roof pitch 2:12 or greater:

- Shingle roof covers: Seal the drip edge over the underlayment and install the starter strip at the eave and rake by applying an 8-inch-wide layer of compatible flashing cement with 1/8-inch maximum thickness over the drip edge and underlayment or install a manufacturer–approved ASTM D1970 fully adhered (peel-and-stick) starter strip with asphaltic adhesive strip at eave and rake.
- Metal roof covers: Apply a compatible manufacturer-approved sealant between the drip edge and adjacent underlayment or use a manufacturer-approved 4-inch-wide self-adhered seam tape.
- Roof pitch less than 2:12: Refer to manufacturer's drip edge installation requirements.

S1.1.3 Installation of starter strips at eaves:
Starter strips at eaves shall be set in a minimum 8-inch-wide strip of flashing cement. Maximum thickness of flashing cement shall be 1/8 inch or a shingle manufacturer–approved ASTM D1970 fully adhered (peel-and-stick) starter strip with asphaltic adhesive strip at eave.

S1.1.4 Attachment of shingles at intersections, valleys, rakes and gable ends:

S1.1.4.1 Attachment of Shingles at Intersections and Valleys:
Shingles installed at all intersections and both sides of open valleys shall be set in a minimum 8- in.wide strip of flashing cement. The maximum thickness of flashing cement shall be ⅛ in. Cut side of closed valleys shall be set in a minimum 2-in.-wide, ⅛-in.-thick strip of flashing cement. Woven valleys to be installed according to the manufacturer's specifications.

S1.1.4.2 Attachment of Shingles at Rakes:
Manufacturer-approved starter strips at rakes shall be set in a minimum 8-in.-wide strip of compatible flashing cement. Maximum thickness of flashing cement shall be ⅛ in or install a shingle manufacturer–approved ASTM D1970 fully adhered (peel-and-stick) starter strip with asphaltic adhesive strip at rake. Fasten starter strips parallel to the rakes according to the manufacturer’s specifications. Position fasteners to ensure they will not be exposed. Starter strips and shingles must not extend more than ¼ in. beyond the drip edge.

S1.2 Metal Panel Roof Coverings:
Metal panel roofing systems shall be installed in accordance with the manufacturer's installation instructions and shall provide uplift resistance equal to or greater than the most critical design uplift pressure for the roof based on the site design wind speed, mean roof height, slope, and exposure category.

Products shall be tested in accordance with UL 1897, UL 580, or TAS 125, incorporating a 2.0 safety factor, and have evaluation reports from one of the following:
- ICC-ES Evaluation Report
- Florida Product Approval
- Miami-Dade County Notice of Acceptance (NOA)
- Texas Department of Insurance (TDI) Evaluation Report

The metal panels shall be installed over continuous decking and one of the acceptable sealed roof deck underlayment options (See Section S2).

S1.3 Clay and Concrete Roof Tiles:
Clay and concrete roof tiles shall be installed in accordance with manufacturer's installation instructions, manufacturer's product approval, and FRSA/Tile Roofing Institute Florida High Wind Concrete and Clay Tile Installation Manual (5th edition for ASCE 7-10) or (6th edition for ASCE 716). Clay and concrete roof tile systems shall be installed over continuous 15/32" thick plywood roof decking and one of the acceptable sealed roof deck underlayment options (See Section S2). Clay and concrete roof tile systems and their attachment shall meet the requirements of the site design wind speed and exposure category. Hip and ridge structural supports shall be attached to the roof framing to resist the uplift pressure for the site design wind speed and exposure. Hip and ridge tiles shall be secured to the hip and ridge structural supports with mechanical fasteners and/or an approved roof tile adhesive to resist the uplift pressure for the site design.

S1.4 Other Roof Coverings:
For all other roof coverings, the designer must provide documentation showing the roof covering and the attachments were designed for the component and cladding wind pressures corresponding to the site design wind speed. All roof coverings, regardless of type, shall be installed in accordance with the manufacturer's installation guidelines for the appropriate design wind speed. When applicable (e.g., wood shakes, slate roofs), the roof deck shall be sealed using one of the options provided in Section S2 that is compatible with the manufacturer's installation requirements for the roof covering selected.

S1.5 Residential Re-roofing:
Re-roofing of residential structures shall meet the requirements of this section for roof sheathing replacement, roof sheathing attachment, and roof covering; and Section S2 for Sealed Roof Deck. Existing roof coverings shall be removed to expose the roof deck. An inspection shall be conducted at this point to determine the condition of roof decking in accordance with section S1.5.1. The inspection shall also determine the adequacy of the roof deck attachment and the existing decking. Any replaced decking shall be fastened in accordance with Section S1.5.2 or Section S1.5.3 as appropriate for the type and thickness of the roof decking.

S1.5.1 Deteriorated or damaged roof deck:
Damaged or deteriorated decking will generally be marked by one or more of the following characteristics: soft or spongy wood, wood swelling or buckling, delamination (plywood), or crumbling and flaking wood. If deteriorated or damaged roof decking is identified, the decking shall be replaced.

S1.5.2 Attachment of wood boards/lumber (Roof Decking):
Up to 8" Width - Add fasteners as required to ensure that the decking is secured with at least two nails, having a minimum diameter of 0.131 inches, and penetrate a minimum of 1-5/8 inches into the roof framing (minimum length of nail - 21/2")

Wider than 8" - Three nails to each framing member it crosses, having a minimum diameter of 0.131 inches and penetrate a minimum of 15/8 inches into roof framing (minimum length of nail - 21/2"). Framing members shall be spaced no more than 24 inches apart. Clipped-head, D-head, or round-head nails shall be acceptable provided they have the required minimum diameter and length.

S1.5.3 Attachment of wood structural panel (plywood or OSB) Roof Sheathing:
Re-nailing requirements are based on using ring-shank nails with the following characteristics and dimensions.

- Ring shank nails conforming to ASTM F1667
- Minimum 8d (0.113-inch minimum shank diameter)
- 23/8-inch minimum nail length
- Full round head diameter (no clipped head nails allowed)

TABLE S1. ROOF SHEATHING AND ATTACHMENT

ASCE Edition	**Minimum Roof Sheathing Thickness** 1, 2, 3	**Minimum Nail Size/Type** 1	**Maximum Nail Spacing** (All Roof Areas)
ASCE 7-10	7/16 inch	RsRS-01;0.113" DIA X 23/8 Roof Sheathing Ring Shank Nail	4-inch o.c.
ASCE 7-16	15/32 inch		

Notes for Table S1:
1. For concrete and clay tile roof coverings, minimum thickness is 15/32"

2. For metal roof coverings, verify manufacturer's sheathing thickness requirements are met

3. Full round head diameter nails; no clipped-head nails; no common nails; no staples

S2 Sealed Roof Deck:
For all new construction and re-roofing applications, a sealed roof deck shall be constructed using one of the methods specified in Sections S2.1, S2.2, S2.3, or S2.4 for roofs with 2:12 pitch or greater. For roof slopes less than 2:12, a low-slope roof cover system that meets required site design uplift pressures shall be installed per manufacturer instructions.

S2.1 Self-adhering Polymer-Modified Bitumen Membrane:
The entire roof deck shall be covered with a full layer of self-adhering polymer-modified bitumen membrane ("peel and stick") conforming to ASTM D1970 requirements. In applications where membrane adhesion to OSB is marginal, apply a primer to the OSB panels to ensure the proper attachment of the self-adhering membrane to the sheathing

S2.2 Tape Seams Between Roof Deck Wood Structural Panels:
Apply a 4-inch-wide ASTM D1970 compliant self-adhering polymer-modified bitumen flashing tape or a 3¾-inch wide AAMA 711-13, Level 3 (for exposure up to 80oC/176oF) compliant *self-adhering* flexible flashing tape to seal all horizontal and vertical joints in the roof deck. In applications where flashing tape adhesion to OSB is marginal, apply a manufacturer-specified compatible primer to the OSB panels where the tape will be used to ensure the proper attachment of the self-adhering tape to the sheathing.

Cover the entire deck with one of the following underlayment options over the self-adhering tape:
- ASTM D226 Type II (#30)
- ASTM D4869 Type III or Type IV (#30)
- ASTM D6757 (for asphalt shingle roof covers)
- ASTM D8257 (standard for polymeric underlayment)

S2.2.1 Underlayment Installation:
Underlayment shall be attached using corrosion-resistant annular ring or deformed shank roofing nails (0.083-inch minimum diameter and penetrate 3/4 inch through roof sheathing) with minimum 1-in.-diameter caps (button cap nails) at 6 in. o.c. spacing along all laps and at 12 in. o.c. vertically and horizontally in the field or a more stringent fastener schedule if required by the manufacturer for high-wind and prolonged exposure installations. Horizontal laps shall be a minimum of 4 in., and end laps shall be a minimum of 6 in. Weave underlayment across valleys. Double-lap underlayment across ridges (unless there is a continuous ridge vent). Lap underlayment with minimum 6-in. leg "turned-up" at wall intersections; lap wall weather barrier overturned-up roof underlayment.

S2.3 Two Layers of Underlayment:
Install two (2) layers of ASTM D226 Type II (#30) or ASTM D4869 Type III or IV (#30) underlayment in a shingle fashion, lapped 19 in. on horizontal seams (36-in. roll), and 6 in. on vertical seams. Create a starter course of felt by cutting 17 in. off one side of the roll and install the remaining 19-in.-wide strip of underlayment along the eave, safely tacked in place. Install a 36- in.wide roll of underlayment over the 19- in.-wide course of underlayment along the eave. The same procedure shall be followed for each course, overlapping the sheets 19-in. (leaving a 17-in. exposure). The underlayment shall be fastened with annular ring or deformed shank nails with 1-in.-diameter caps at 6-in. o.c. along the laps and at approximately 12- in. o.c. in the field of the top sheet between the side laps. For sites with ultimate design wind speeds less than 160 mph (ASCE 7-10 or 7-16), annular ring or deformed shank nails with 1-in.-diameter caps (button cap nails) shall be allowed. For sites with ultimate design wind speeds greater than or equal to 160 mph (ASCE 7-10 or 7-16), annular ring or deformed shank nails with 1-in.-diameter thin metal disks ("tincaps") shall be used.

Note:
- Weave underlayment across valleys.
- Double-lap underlayment across ridges (unless there is a continuous ridge vent).
- Lap underlayment with minimum 6-in. leg "turned up" at wall intersections; lap wall weather barrier over turned-up roof underlayment.

S2.4 Combination Roof Sheathing and Roof Underlayment:
An ICC Evaluation Service AC266-rated system consisting of wood structural sheathing with an integrated water-resistive barrier such as Huber Zip System Roof Sheathing Panels can be used in combination with approved tape to seal the roof deck seams.

S3 Aluminum/Vinyl Soffit:
Aluminum/Vinyl Soffit covering are limited to a maximum of 12 inches between support members and must be installed in accordance with the soffit manufacturer's instructions. Aluminum soffit covers shall not be used within 3000 ft of the coast.

S4 Roof Deck Attachment:
Roof sheathing thickness and attachment shall be in accordance with Section S1.5.3.

S5 Roof Vents:
Roof Vents shall be designed for the applicable wind load; ridge and off ridge vents shall be tested in accordance with the Florida Building Code Testing Application Standard or TAS 100(A) for high wind and be labeled for verification of compliance. All roof vents shall be installed in accordance with the manufacturer's installation instructions for the appropriate wind load. Gable vents shall be provided with a removable cover that can be attached from the outside made of plywood or a nonporous type of shutter that will prevent water from entering through the gable end vent. Wood structural panels with a minimum thickness of 7/16 inch and a maximum span of 4 feet shall be used as a gable end cover. Panels must be pre-cut so that they can be attached to the framing surrounding the gable vent. Panels shall be pre-drilled as required for the anchorage method, and all required hardware shall be provided. Permanent corrosion-resistant attachment hardware with anchors permanently installed on the building shall be provided. The attachment schedule shall be in accordance with Table S5.

TABLE S5. GABLE END COVERING FASTENER SCHEDULE

Fastener Type	Fastener sp-0acing (inches)1
¼-inch diameter Lag Screw2 based anchor with 2-inch embedment length 2 and 1" diameter washer	16

Notes for Table S5:
1. Fasteners shall be installed at opposing ends of the wood structural panel and have a 2-inch minimum penetration into the building framing through veneers. Attachment to veneers are not acceptable.

2. Where screws are attached to masonry or masonry/stucco, they shall be attached using Vibration resistant anchors having a minimum withdrawal capacity of 1500 lb.

S6 Gable End Bracing:
Gable end wood structural panel wall sheathing shall have a minimum thickness of 7/16 inch. Unless balloon framed, gable ends over 3-ft high shall be braced using the method specified in S6.1, S6.2, or S6.3 or per 2018 IEBC, Appendix C, Chapter C1 "Gable End Retrofit for High Wind Areas."

S6.1 Gable End Bracing Option 1:
Gable end framing, connections, and bracing shall be designed by a professional engineer for the appropriate exposure category, design wind speed, mean roof height, and location on the building to resist the appropriate positive and negative lateral wind loads and wind uplift.

S6.2 Gable End Bracing Option 2:
A minimum 2-inch x 6-inch horizontal strong-back shall be installed at the midpoint of the vertical height of the gable end wall. Strong-back shall be attached to each framing member it crosses using metal straps with 3- 8d x 1-1/2-inch-long nails at each end of the strap. Minimum 2 x 4 diagonal bracing not to exceed 45 degrees or 4 feet o.c. shall be

installed on top of strong back and face nailed with 4-10d nails into the side of gable wall framing studs. The other ends of diagonal braces shall be toenailed to roof rafters or top chords or trusses and connected with a metal strap with 4-8d x 1-1/2-inch long nails at each end of strap or face nailed with 4-10d nails into sides of ceiling joists when they run perpendicular to the gable wall or into the sides of 2-inch x 4-inch x 8-foot lateral braces connected to tops of ceiling joists or truss bottom chords when ceiling joists run parallel to the gable wall. In addition, when ceiling joists run parallel to the gable end wall, a minimum 2-inch x 4-inch x 8foot lateral brace shall be installed at a maximum of 6 feet o.c. on top of ceiling joists or truss bottom chord and gable top plate, aligned with a wall stud below and nailed with 2-10d nails at each support. Metal 20-gauge straps shall be installed on top of 2-inch x 4-inch lateral brace and over gable top plate into stud below using 10- 8d nails top and bottom (into the lateral brace and into the wall stud below). Install minimum 2 x 4 blocking under lateral braces in the bay between the gable wall framing and the first ceiling joist or truss with four (4) 10d nails.

S6.3 Gable End Bracing Option 3:
When ceiling joists or trusses run parallel to the gable end wall, continuous 2-by-4 lateral braces shall be installed on the top edges of ceiling joists or the top edges of truss bottom chords from the gable end truss/framing at a maximum of 6-feet o.c. and aligned with a wall stud below. The lateral braces shall be attached to each truss bottom chord/ceiling joist with 2-10d nails. The braces shall extend back from the gable truss/framing at a distance equal to 90% of the building width. Each lateral brace shall have a minimum 20-gauge metal strap connected to the lateral brace that wraps over the bottom chord of the gable end wall plate/truss, over the top plate of the wall below, and connected to a stud in the wall below. Straps shall be connected with ten (10) 8d nails at each end. Install minimum 2 x 4 blocking under lateral braces in the bay between the gable wall framing and the first ceiling joist or truss with four (4) 10d nails.

S7 Continuous Load Path:
A continuous load path shall be provided to transfer all lateral and vertical loads from the roof, wall, and floor systems to the foundation. All residential structures proposed for locations with an ultimate wind speed of greater than 115 mph shall have the structural design depicting the load path and all connections signed and sealed by a State-based, registered, licensed professional engineer.

S8 Glazed Openings:
Glazed openings shall be designed and protected in relation to the applicable wind loads and impact resistance requirements specified in Sections S8.1 and S8.2.

S8.1 Design Pressure Requirements:
Windows, all exterior doors (including the glazing in exterior doors), and all impact protection systems shall be rated for the design pressures appropriate for the exposure category, design wind speed, opening size, and opening location on the building. The required pressure ratings shall be depicted on the building plans. Products shall be tested, at a minimum, in accordance with IRC accepted standards and installed in accordance with the manufacturer's instructions. Acceptable IRC design pressure test standards for windows and glass doors include AAMA/WDMA/CSA 101/I.S.2/A440, ASTM E330 (products shall be tested to 1.5 times design pressure). Installation of products with adequate ratings achieved using the Florida Building Code Testing Application Standard, TAS 202 shall also be permitted.

S8.2 Opening Protection Impact Requirements:
All glazing in exterior windows and doors (including sliding glass doors, garage doors, and entry doors, etc.) shall be impact rated or protected by a system that is impact-rated as defined in this section.

Where the ultimate design wind speed is 115 mph or greater (i.e., hurricane-prone regions), openings and opening covers must be impact rated in accordance with the following tests and requirements:

- Large Missile D (8 lb 2x4 impacting end on at 50 ft/sec) as defined in ASTM E1996 and ASTM E 1886 or AAMA 506 (AAMA is also known as FGIA)

- The Florida Building Code Testing Application Standards TAS 201 and TAS 203
- Where ultimate design wind speeds are less than 130 mph, protective systems that provide at least the level of protection of wood structural panels with a minimum thickness of 7/16 in. and a maximum span of 44 in. between lines of fasteners are permitted to be used as removable opening protection. Panels shall be pre-cut and predrilled as required for the anchorage method, and all required hardware shall be provided. Wood structural panels shall extend a minimum of 1-inch beyond the centerline of fasteners. Permanent corrosion-resistant attachment hardware with anchors permanently installed on the building must be provided. The attachment schedule must be, at a minimum, in accordance with Table S5.

S9 Garage Doors:
Garage doors and their attachment system shall conform to the design wind pressure for the door size, exposure category, and design wind speed at the site. Products shall be tested and approved per ANSI/DASMA 108 or ASTM E 330 for the required design wind pressure. Garage doors and their attachment systems with adequate ratings achieved using the Florida Building Code Testing Application Standard, TAS 202 shall also be permitted. Labeling for verification of compliance is required. Garage doors with windows must also be protected from impact (either tested for impact resistance in accordance with ANSI/DASMA 115 or protected by an impact-rated cover).

S10 Chimney Chases:
Wood frame chimney chases shall be structurally connected to rafters and ceiling joists. The attachment shall be detailed in the engineered plans or shall meet the minimum requirements of Sections S10.1, S10.2, and S10.3, as illustrated in Figure S10.

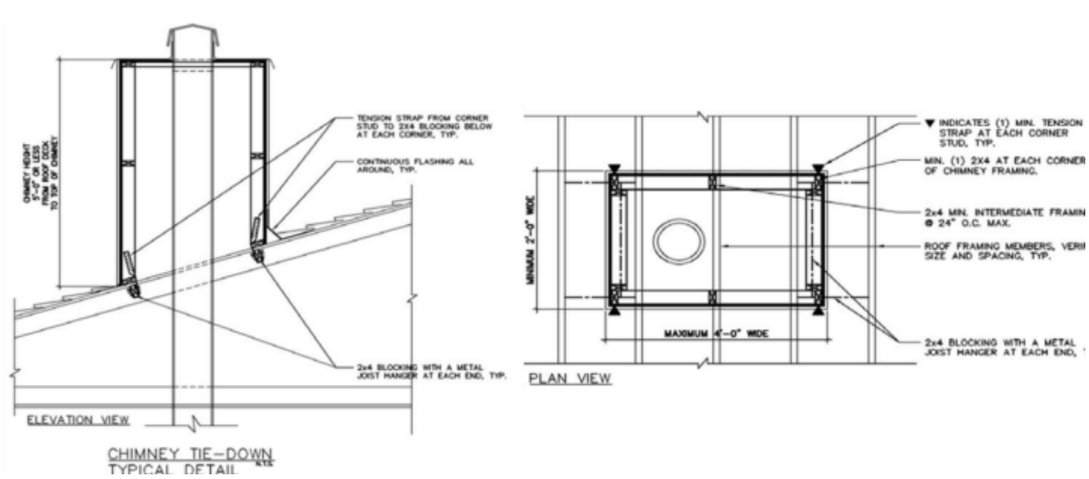
S10.1 Connection of Chimney structure to Roof Structure:
Each corner of the chimney structure shall have a tension strap fastened to the corner stud that continues downward to the roof support members below. The tension strap shall have a minimum tension capacity of 700 pounds and shall be connected per manufacturer installation instructions.

S10.2 Sheathing of Chimney:
Chimney framing shall be sheathed with a minimum of 7/16-inch-thick wood structural panels on all four exterior sides.

S10.3 Support of Chimney Perimeter:
The base perimeters of chimney framing shall be continuously supported by minimum 2x4 blocking fastened to roof framing members with joist hangers.

FIGURE S10. TYPICAL CHIMNEY TIE-DOWN DETAILS

S11 Braced Wall Lines / Shear Walls:



Exterior and Interior shear wall and/or braced wall panel locations shall be indicated on the plans and shall be nailed in accordance with the engineered drawings but no less than 6 inches o.c. maximum spacing along all intermediate and edge framing using 8d (0.113-

inch diameter x 2- 3/8inch-long) irregular shank (i.e., ring shank or spiral) nails with full round heads. Shear wall designs and hold-down connections to the foundation shall be in accordance with accepted engineering practices and meet the engineered design requirements specified in Section S7.

ARTICLE ELEVEN: 2021 INTERNATIONAL RESIDENTIAL CODE > Part V-Mechanical > Amended as follows:

CHAPTER 12 MECHANICAL ADMINISTRATION – Delete in its entirety.

CHAPTER 13 GENERAL MECHANICAL SYSTEM REQUIREMENTS – Delete in its entirety.

CHAPTER 14 HEATING AND COOLING EQUIPMENT AND APPLIANCES – Delete in its entirety.

CHAPTER 15 EXHAUST SYSTEMS – Delete in its entirety.

CHAPTER 16 DUCT SYSTEMS – Delete in its entirety.

CHAPTER 17 COMBUSTION AIR – Delete in its entirety.

CHAPTER 18 CHIMNEYS AND VENTS – Delete in its entirety.

CHAPTER 19 SPECIAL APPLIANCES, EQUIPMENT AND SYSTEMS – Delete in its entirety.

CHAPTER 20 BOILERS AND WATER HEATERS – Delete in its entirety.

CHAPTER 21 HYDRONIC PIPING – Delete in its entirety.

CHAPTER 22 SPECIAL PIPING AND STORAGE SYSTEMS – Delete in its entirety.

CHAPTER 23 SOLAR THERMAL ENERGY SYSTEMS – Delete in its entirety.

All mechanical design, installation, maintenance, alterations, equipment, and inspections shall be in compliance with the 2021 International Mechanical Code which is adopted by separate ordinance.

ARTICLE TWELVE: 2021 INTERNATIONAL RESIDENTIAL CODE > Part VI-Fuel gas > CHAPTER 24 FUEL GAS > Amended as follows:

CHAPTER 24 FUEL GAS – Delete in its entirety.

All fuel gas design, installation, maintenance, alterations, equipment, and inspections shall be in compliance with the 2021 International Fuel Gas Code which is adopted by separate ordinance.

ARTICLE THIRTEEN: 2021 INTERNATIONAL RESIDENTIAL CODE > Part VII-Plumbing > Amended as follows:

CHAPTER 25 PLUMBING ADMINSTRATION – Delete in its entirety.

CHAPTER 26 GENERAL PLUMBING REQUIREMENTS – Delete in its entirety.

CHAPTER 27 PLUMBING FIXTURES – Delete in its entirety.

CHAPTER 28 WATER HEATERS – Delete in its entirety.

CHAPTER 29 WATER SUPPLY AND DISTRIBUTION – Delete in its entirety.

CHAPTER 30 SANITARY DRAINAGE – Delete in its entirety.

CHAPTER 31 VENTS – Delete in its entirety.

CHAPTER 32 TRAPS – Delete in its entirety.

CHAPTER 33 STORM DRAINAGE – Delete in its entirety.

All plumbing systems design, installation, maintenance, alterations, equipment, and inspections shall be in compliance with the 2021 International Plumbing Code which is adopted by separate ordinance.

ARTICLE FOURTEEN: 2021 INTERNATIONAL RESIDENTIAL CODE > Part VIII-Electrical > Amended as follows:
CHAPTER 34 GENERAL REQUIREMENTS – Delete in its entirety.

CHAPTER 35 ELECTRICAL DEFINITIONS – Delete in its entirety.

CHAPTER 36 SERVICES – Delete in its entirety.

CHAPTER 37 BRANCH CIRCUIT AND FEEDER REQUIREMENTS – Delete in its entirety.

CHAPTER 38 WIRING METHODS – Delete in its entirety.

CHAPTER 39 POWER AND LIGHTING DISTRIBUTION – Delete in its entirety.

CHAPTER 40 DEVICES AND LUMINARIES – Delete in its entirety.

CHAPTER 41 APPLIANCE INSTALLATION – Delete in its entirety.

CHAPTER 42 SWIMMING POOLS – Delete in its entirety.

CHAPTER 43 CLASS 2 REMOTE-CONTROL, SIGNALING AND POWER-LIMITED CIRCUITS – Delete in its entirety.

All electrical systems design, installation, maintenance, alterations, equipment, and inspections shall be in compliance with the 2020 National Electrical Code which is adopted by separate ordinance.

ARTICLE FIFTEEN: SEPARATION CLAUSE: If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The City Council of the City of Mobile hereby declares that it would have passed this Code and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, or phrases be declared unconstitutional.

The ordinance was read by the City Clerk; whereupon Councilmember Jones moved that the ordinance be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

RESOLUTIONS HELD OVER

APPROVE PURCHASE ORDER TO TARGET SOLUTIONS LEARNING, INC. FOR ANNUAL RENEWAL OF VECTOR SOLUTIONS ONLINE LEARNING MANAGEMENT SYSTEM TRAINING SOFTWARE; $52,343.98. The following resolution which was

introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

RESOLUTION: 08-970-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
1256	2023	(1510) FIRE ADMINISTRATION	ANNUAL RENEWAL OF VECTOR SOLUTIONS ONLINE LEARNING MANAGEMENT SYSTEM TRAINING SOFTWARE FOR MFRD (PROFESSIONAL SERVICE)	$52,343.98	(295075) TARGET SOLUTIONS LEARNING INC

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO PRECISION DELTA CORP. FOR 375 CASES OF WINCHESTER 9MM AMMUNITION FOR MPD; $80,463.75. The following resolution which was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

RESOLUTION: 08-971-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
1324	2023	(1530) POLICE ADMIN SERVICES	375 CASES OF WINCHESTER 9MM AMMUNITION FOR MPD (AL STATE CONTRACT)	$80,463.75	(293984) PRECISION DELTA CORP

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO ARCADIS US, INC. FOR VEHICLE DETECTION EQUIPMENT AND INSTALLATION AT 8 INTERSECTIONS; $459,414.18. The following resolution which was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

RESOLUTION: 08-972-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
118	2023	(2060) TRAFFIC ENGINEERING	VEHICLE DETECTION EQUIPMENT AND INSTALLATION AT 8 INTERSECTIONS ON SCHILLINGER RD AND 3 ON AIRPORT BLVD (AL STATE CONTRACT)	$459,414.18	(297773) ARCADIS U.S. INC

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH MICOR, INC., D/B/A MDS CONSTRUCTION, INC. FOR PHASE 4 IMPROVEMENTS AT SPANISH PLAZA; $36,323.00. The following resolution which was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

RESOLUTION: 21-973-2022

Sponsored by: Mayor Stimpson and Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: MICOR, INC. d/b/a MDS CONSTRUCTION, INC.

Project Name: SPANISH PLAZA - PHASE4IMPROVEMENTS

Project Number: PR-086-22

Amount: $36,323.00

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH BFI WASTE SERVICES, LLC, D/B/A REPUBLIC SERVICES OF MOBILE FOR GARBAGE COMPACTOR RENTAL AND SERVICE The following resolution which was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

RESOLUTION: 21-974-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and BFI Waste Services, LLC, d.b.a. Republic Services of Mobile, to compactor garbage container rental and service, for three years, in an amount not to exceed $300,000.00, as outlined in the contract attached hereto and made a part hereof as though set forth in full.
A copy of said contract is on file in the Office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH OSPREY INITIATIVE, LLC FOR CITYWIDE STORMWATER LITTER COLLECTION AND ANALYSIS SERVICES; $500,000.00. The following resolution which was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

RESOLUTION: 21-975-2022

Sponsored by: Mayor Stimpson and the City Council

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and Osprey Initiative, LLC, for approximately twelve months, renewable annually

for two additional one year periods, for stormwater litter collection and analysis services as outlined in the contract attached hereto and made a part hereof as though set forth In full. A copy of said contract is on file In the Office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH PROTECVIDEO, LLC FOR PROFESSIONAL SERVICES IN THE DEPLOYMENT AND MANAGEMENT OF TECHNICAL, TECHNOLOGY AND CONSULTING SERVICES; 3 YEAR CONTRACT NTE $200,000. The following resolution which was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

RESOLUTION: 21-976-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a three year contract, by and between the City of Mobile and PROTECVIDEO, LLC., in an amount not to exceed $200,000 for a period ending October 31, 2023, to begin upon execution, renewable, for the provision of professional services in the deployment and management of technical services, technology services, and consulting services A Copy of said contract is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH UAV SURVEY, LLC FOR PROFESSIONAL SERVICES IN THE DEPLOYMENT AND MANAGEMENT OF TECHNICAL, TECHNOLOGY AND CONSULTING SERVICES; 3 YEAR CONTRACT NTE $200,000. The following resolution which was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

RESOLUTION: 21-977-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a three year contract, by and between the City of Mobile and UAV SERVICES, LLC., in an amount not to exceed $200,000 for a period ending October 31, 2023, to begin upon execution, renewable, for the provision of professional services in the deployment and management of technical

services, technology services, and consulting services A Copy of said contract is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO TRAM THE TOWN, LLC TO OPERATE A TRAM SERVICE. The following resolution which was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

RESOLUTION: 37-978-2022

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of Tram the Town, LLC for a Certificate of Public Convenience and Necessity to operate tram service is hereby approved. A copy of said application is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; WILLIAMS. The following resolution which was introduced and read at the regular meeting of November 1, 2022, and held over until the regular meeting of November 8, 2022, was called up by the Presiding Officer.

RESOLUTION: 60-979-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized and directed to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Angela Williams, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

ORDINANCES BEING INTRODUCED

AMEND CHAPTER 7 OF THE MOBILE CITY CODE, "ANIMALS AND FOWLS". The following ordinance was held over until the regular meeting of November 15, 2022.

ORDINANCE: 07-058-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA. AS FOLLOWS:

ARTICLE ONE: Code and Appendices. That pursuant to Alabama Code Section 11-45-8 (1975), the Code of Alabama, The City Code Chapter 7, Animals and Fowls Code of the City of Mobile, as amended and contained in this ordinance, which has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to a resolution adopted by the City Council of the City of Mobile, Alabama, on _____ , 2022, is hereby adopted as "Animals and Fowls." The ordinance will become effective sixty (60) days after adoption by the City Council.

ARTICLE TWO: Published Ordinance. A copy of this ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said 2021 International Property Maintenance Code to be published in a newspaper, nor shall the same be spread at length upon the Minutes of this Council, but this ordinance shall be recorded in said minutes.

ARTICLE THREE: Effective Date. The said Animals and Fowls Code of the City of Mobile shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

CHAPTER 7, of the Mobile City Code, is hereby amended to read as follows:

CHAPTER 7 - ANIMALS AND FOWL

ARTICLE I. - IN GENERAL

Sec. 7-1. – Definitions

For the purpose of this chapter, the words and phrases below have the following meanings:

Abandoned animal. Any animal for which the owner, keeper, person who is charged to keep an animal, person residing at a residence where an animal is kept, or any adult member of the household where an animal is kept or allowed to remain, has ceased to support or look after the animal. Abandoned animal includes any animal that has been delivered or released to Animal Services, confiscated, found, or impounded by Animal Services from public places, private property or vacant houses and lands and for which an owner has failed to reclaim within five days of impoundment.

Abuse or *neglect*. Every act or omission, where unnecessary or unjustifiable pain or suffering is caused or allowed to continue, including, but not limited to, abandonment, depriving the animal of food, water, shelter, veterinary care for illness or injury or lack of sufficient space.

Animal. Any nonhuman, animate being which is endowed with the power of voluntary motion including, but not limited to: mammals, reptiles, and birds.

Animal at large. A stray animal or animal which is off the property of its owner or person in charge and not carried by said person, kept in any effective enclosure or under control or restraint by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent said animal from freely charging or attacking persons or animals.

Animal control officer. The director, assistant director, and enforcement officers assigned to the Mobile Animal Services.

Cat. Members of the domesticated feline family.

Corral. Any uncovered, enclosed parcel of land where large animals are kept.

Director. Director of the Mobile Animal Services.

Dog. Member of the domesticated canine family.

Domesticated animal. An animal which has been trained or has adapted to live with and be of use to humans.

Fowl. For the purpose of this chapter, the term means chickens, ducks, geese, turkeys, guineas, quail, pheasants, and all other fowl kept as a pet or for ornamental purposes.

Hoarding. Keeping a higher than usual number of animals as pets without the ability to properly house or care for them, while at the same time denying this inability.

Impound and/or Reclaim fee(s). All Animal Services fee involved in the impoundment of an animal, including, but not limited to, capture, transport, boarding, food, veterinary fees, vaccinations.

Keep. To confine, harbor or allow to remain.

License. A permit issued by the city required for keeping dogs within the city limits.

Livestock. Domesticated animals, such as cattle, horses, sheep, swine, mules, and goats raised for home use or profit, especially on a farm.

Mobile Animal Services. The city department charged with implementing this chapter.

Nuisance. Anything which disturbs the use and enjoyment of one's property or endangers life, health, or safety, or is offensive.

Owner. Any person that can demonstrate ownership through a verifiable means, such as veterinary records, notarized bill of sale, and the like., any person in whose charge an animal is being kept, any adult (over age 19) members of the household where an animal is regularly kept or allowed to remain. Owner includes any person who cares for an animal or acts as its custodian or who keeps it, allows it food and/or refuge on or about any premises occupied by that person or who harbors it in any manner.

Person. Any individual, partnership, company, corporation, or other legal entity.

Pet. Any domesticated animal kept by a person as a companion and friend.

Pe tstore. Any retail establishment open to the public that sells or transfers, or offers for sale or transfer, dogs or puppies. The term excludes the City of Mobile Animal Services, the Mobile County Animal Services, and a not-for-profit 501(c)(3) animal welfare organization.

Pet trader. Any person who sells, barters, or exchanges for consideration a dog or puppy. The term excludes the City of Mobile Animal Services, the Mobile County Animal Services, and a not-for-profit 501(c)(3) animal welfare organization.

Poisonous or venomous animal. Any animal, reptile or other nonhuman living thing which is capable of inflicting injury on humans or other animals by means of a poisonous or venomous injection.

Poultry. Domesticated fowl (e.g., ducks, geese, turkeys, chickens, etc.).

Property. Something to which a person or business has a legal title.

Shelter (out-of-doors). A place of protection from danger, for example, bad weather.

Songbird. Any bird having a musical call.

Stable. Structure for housing livestock.

Stray. An animal with no apparent owner and no means of identification.

Under control. When off the premises of the owner or person in charge, to be under control or restraint, an animal must be carried by such person, caged or kept in the immediate presence of such person and under the person's voice command control.

Vicious or dangerous animal.

(A) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domesticated animals. Under this definition, the term "known" includes, but is not limited to, the owner's knowledge.

(B) Any animal which, because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which constitutes a danger to human life or property if not kept in the manner required by this chapter. Wild animal. An undomesticated animal.

Sec. 7-2. - Creation of the Mobile Animal Services.

(A) There is hereby created within the Mobile Animal Services, a department of the city charged with administration and enforcement of this chapter.

(B) The Director of Animal Services shall be appointed by the mayor in the same manner as any department head of the city. The director shall be the supervisor over the Mobile Animal Services and over the employees assigned to Animal Services. The director shall have authority to coordinate with animal rescue groups and adoption organizations for adoption programs, work with local organizations to facilitate animal education programs, implement programs to stabilize and/or reduce feral cat populations, implement Animal Services volunteer programs, investigate animal complaints, and implement any program to promote the city's interest in seeing that all animals are treated humanely and to ensure the well-being of residents of the city.

(C) All enforcement officers assigned to Animal Services shall be known as Animal Control officers (ACOs).

(D) ACOs may have full police powers, provided that the ACO has completed the appropriate training, as required by law. Any provision of this chapter referring to the director shall also mean and include any authorized employee acting in the director's stead and under his or her supervision.

Sec. 7-3. - Application in the police jurisdiction.

This chapter shall be enforced within the corporate limits, only, not in the city's police and fire jurisdiction.

Sec. 7-4. - City declared a bird sanctuary.

The entire area embraced within the corporate limits of the city shall be a bird sanctuary. It shall be unlawful for any person to pursue, injure, capture, kill or destroy a songbird of any kind within the city. This section shall not be construed so as to apply to the director, ACO, or law enforcement officer when a nuisance exists or when there is a hazard to health or safety which, in the judgment of the officer, cannot be otherwise remedied.

Sec. 7-5. - Disposition of fees.

All fees (but not fines) collected, as provided for in this chapter, shall be used to fund animal protection activities, or services and programs, performed by Animal Services.

ARTICLE II. - DUTIES OF ANIMAL OWNERS

Sec. 7-6. - Rabies vaccination required for dogs, cats, and ferrets.

(A) An owner of a dog or cat, ferret or other animal requiring rabies vaccination shall have the animal vaccinated for rabies when the animal has reached the age of three (3) months and annually or tri-annually thereafter at the owner's and veterinarian's discretion. Upon vaccination, the veterinarian shall give the owner a metal tag which may be attached to the animal. If the tag is not attached to the animal, the animal must be in the immediate control of the owner who shall produce proof of vaccination

(B) Rabies tags shall be serially numbered, bearing the year of the vaccine, and the owner shall also receive a certificate of inoculation bearing the same serial number and year.

(C) Owners shall present rabies certificates to Animal Services when registering the animal for the city's license.

(D) Quarantine required in instance of bite.

1. Whenever a human being or domesticated animal has been bitten by any dog or cat and the Mobile County Health Department so notifies Animal Services, the director shall give written notice to the owner that the animal must be placed in quarantine under the direct supervision of a licensed veterinarian for a period of ten (10) consecutive days after the date of the bite for the purpose of determining whether the animal is infected by rabies. The owner shall quarantine the animal within twenty-four (24) hours of receipt of notice.

2. All quarantine costs shall be at the owner's expense.

3. When, after a reasonable investigation, the director determines that the animal is unowned, the animal shall be either quarantined by Animal Services, or it may be humanely destroyed and submitted for rabies examination to the state department of public health.

4. Any owner may relinquish, in writing, the ownership of an animal to the director for the purpose of humanely destroying the animal to enable immediate testing to be performed on the animal by the department of health.

5. It shall be unlawful for the owner of an animal to refuse to comply with the lawful order of the director given to enforce this section. It shall be unlawful for any owner to sell, give away, transfer to another location or otherwise dispose of any animal in quarantine until it is released from quarantine by a qualified veterinarian or other office duly authorized under state law.

(E) In the event a rabies tag provided for in section 7-6(a) is lost, a new tag and certificate may be issued by the veterinarian who issued the original tag. The new certificate shall be marked "duplicate" and shall include the new tag number.

Sec. 7-7. - City licenses required for all dogs.

(A) The owner of a dog more than three (3) months old shall purchase from Animal Services either a one-year city license if the dog is vaccinated for rabies annually or a three-year city license if the dog is vaccinated triennially.

(B) At the time of registration, the owner must provide proof of rabies inoculation.

(C) The license shall be in the form of a metal tag, the shape and color of which shall change yearly.

(D) A city license shall not be required from owners who are nonresidents, temporarily within the city for a period not exceeding thirty (30) days.

(E) The owner shall keep the license tag affixed to the animal unless the animal is under restraint, on its own premises, or the owner is in the presence of the animal and shall produce proof of city licensure.

(F) It shall be unlawful for any person to put a license tag upon an animal for which the tag was not issued or to disfigure the words or figures upon a license tag.

(G) Lost tags may be replaced with duplicates, upon application to Animal Services and payment of the posted fee.

Sec. 7-8. - Shelter and care of animals.

(A) It shall be unlawful for any owner to fail to provide food, water, shelter, or veterinary care for illness or injury, for an animal. Owners of domesticated animals must provide food and water that is adequate for the size and type animal(s) to keep said animals in good health and comfort. Animals must be given adequate room to exercise. Animals must be given veterinary care when needed to prevent parasites, disease, suffering and to keep said animals in good health.

(B) It shall be unlawful for any owner to keep or maintain animals indoors or in an outdoor pen or enclosure, in such an unsanitary condition that the lives and health of the animals, or the lives and health of the public or owner, or the lives and health of other animals shall be endangered.

(C) Shelters for animals who live out-of-doors shall be at least a three-sided, roofed, adequately drained, well- ventilated, moisture-proof structure, of suitable size to accommodate the animal, that protects from the elements of weather, wind, water, heat, cold, and shall be cleaned periodically to remove excreta and other waste materials so as to minimize disease and odor.

(D) Any animal(s) that, in the opinion of the animal control officer, is being abused or neglected can be impounded by the animal control officer at the expense of the animal's owner until conditions responsible for said treatment are corrected.

Sec. 7-9. - Animals trained to fight.

It shall be unlawful for any person to own, possess, keep, or train any animal with the intent that such animal shall engage in an exhibition of fighting with another animal or human. It shall be unlawful to cause any animal to fight another animal or human, or to knowingly be present as a spectator or participant at any place where an exhibition of fighting animals is taking place, or to knowingly wager anything of value on the outcome of such a fight.

Sec. 7-10. - Duty to restrain animals.

It shall be the duty of every owner, keeper, or person in charge to keep his or her animals on a leash or other effective restraint whether or not the animal is upon or away from the owner's premises.

Sec. 7-11. - Duty to confine animals in heat.

It shall be the duty of every owner to keep his or her animal who is in heat confined to the owner's premises.

Sec. 7-12. - Sheltering of stray, confined, impounded, or abandoned animals.

(A) Any person finding a stray animal within the city limits may deliver such animal to Animal Services for confinement. The animal shall be cared for by Animal Services, or at a location authorized or designated by Animal Services, for not less than five (5) working days. If the animal is not claimed by its verifiable owner, Animal Services may place the

animal for adoption or shall transport the animal to an adoption agency, or otherwise dispose of the animal as provided for in this chapter.

(B) Animals claimed within the five-day period shall be returned to the rightful verifiable owner after the owner has provided proof of rabies inoculation (if required) and paid all required fees and fines.

(C) Animals not claimed within the five-day period shall become the property of Animal Services.

(D) Any animal sheltered/impounded by Mobile Animal Services where the owner is known to Animal Services to be incapacity, such as incarceration or hospitalization, shall be held for ten (10) days before being deemed abandoned.

(E) Any stray, confined, impounded, or abandoned animal, not reclaimed within five days, or under conditions of Sec. 7-12. (d) then ten days, shall become the property of the Mobile Animal Services to be disposed as provided for in this Chapter, including thorough adoption, euthanasia or other current or future provisions of this Code.

Sec. 7-13. - Duty to remove deposited feces.

(A) It shall be unlawful for the owner, keeper, or person having control of any animal to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such animal upon any sidewalk, public park, alley, other place open to the public, or from private property before the owner leaves the immediate area where the solid waste was deposited.

(B) It shall be unlawful for the owner, keeper, or person having control of any animal to fail to have in his/her possession the equipment necessary to remove his/her animal's solid waste when accompanied by said animal on any sidewalk, public park, alley, or other place open to the public.

Sec. 7-14. - Keeping domestic fowl.

(A) It shall be unlawful for any person to keep or maintain poultry domestic fowl within the city without a permit from the director. No permit will be issued authorizing the keeping of any rooster within a residentially zoned area other than an area zoned as a residential-agricultural (R-A) district.

(B) Domestic fowl must be kept in a domestic fowl house, coop, ark, or yard which must meet requirements asset by the director.

(C) It shall be unlawful for any person to keep any rooster within a residentially zoned area other than an area zoned as a residential-agricultural (R-A) district.

Sec. 7-15. - Corrals, pens and stables, generally.

Livestock may be maintained in any area of the city zoned for such use. Owners shall provide suitable protective shelter for livestock, as follows:

(A) Minimum area for livestock: The minimum space required for a corral or stable is twelve thousand (12,000) square feet for one (1) animal and an additional ten thousand (10,000) square feet for each additional animal. Animals must have free and unrestricted access to every portion of this space.

(B) Distance of pens, corrals, stables, enclosures from dwellings. No pen, corral, stables, or enclosures for animals shall be located within one hundred fifty (150) feet of a dwelling owned or occupied by a person other than the animal's owner.

(C) Every stable, corral, or lot where livestock are kept shall be thoroughly cleaned. All such structures shall have sufficient light, ventilation, and drainage.

(D) Poultry are exempt from this section. See, instead, section 7-14.

Sec. 7-16. - Construction of stables.

All buildings used for stabling horses, mules or cows require a building permit from the city and must be constructed in compliance with chapter 11 of the City Code.

Sec. 7-17. - Animals, reptiles, serpents that are wild, or venomous, or poisonous or potentially dangerous or vicious shall be under restraint.

(A) Owners shall securely confine wild or poisonous or potentially dangerous or vicious animals, reptiles, and serpents (referred to collectively herein, for the sake of convenience, as "animals") in their care to prevent such animal from biting, injuring, or attacking a person or other animal.

(1) "Securely confined" means that, while on the owner's property, a dangerous animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure, and shall also provide protection from the elements. The pen or structure shall allow the animal to make normal postural movements and to move around and shall also comply with the minimum standards for sanitation provided in this chapter.

(2) Animals who are wild or poisonous or potentially dangerous or vicious, if transported off the premises of the owner shall be caged, or leashed and muzzled to prevent the animal from attacking or causing injury to a person or other animal.

(B) It shall be unlawful to possess, without an appropriate permit, any wildlife regulated by the Department of Conservation in which the Department of Conservation requires, and issues, permits.

(1) It shall be unlawful for any person or entity to possess, sell, offer for sale, import, brine, release, or cause to be brought or imported into the City of Mobile, any species of venomous reptile which has never naturally existed in the wild in Alabama, or any bird, mammal, reptile, or amphibian listed as injurious wildlife under the Lacey Act, (18 U.S.C. 42).

Sec. 7-18. - Disposal of dead animals.

All dead animals must be properly disposed of within twenty-four (24) hours after the death. No animal may be dumped on private or public property.

ARTICLE III. - UNLAWFUL CONDUCT AND CODE ENFORCEMENT

Sec. 7-19. - Abandonment of animals within the city.

(A) It shall be unlawful for any person to knowingly abandon or aid another in knowingly abandoning any animal within the city.

(B) If an owner or person in charge wishes to deliver an animal to Animal Services for adoption, the owner may do so, provided that the owner or person in charge signs a release and pays the posted fee, and if Animal Services has space available to properly care for the animal.

Sec. 7-20. - Application of the city's zoning code.

It shall be unlawful for any person to keep any animal or fowl in an area of the city not zoned for that animal or fowl. Any animal kept in an area not zoned for such animal is subject to impoundment.

Please see chapter 64 of this Code for zoning regulations.

Sec. 7-21. - Public nuisances.

It shall be unlawful for any person to fail to exercise the necessary care and control to prevent an animal in his or her possession or care from creating a public nuisance. For purposes of this section, an animal is a public nuisance if the animal:

(1) Habitually makes disturbing noises including, but not limited to crowing, barking, yelping, whining, or other utterances causing unreasonable annoyance or discomfort to others in close proximity to the premises where the animal is kept;

(2) Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and, thereby creates unreasonable annoyance or discomfort to persons in the close proximity to where the animal is kept; or

(3) Damages property belonging to anyone other than its owner, including damage to flowers, gardens, and shrubs.

Sec. 7-22. - Hoarding.

It shall be unlawful for any person to keep animals as pets in such sufficient numbers that they cannot be properly housed or cared for. Any person convicted of this offense shall be subject to confiscation of the animals in addition to other criminal penalties.

Sec. 7-23. - Animals at large; tethering.

(A) It shall be unlawful for any person to allow any animal in his control or possession to go,stray or wander upon the public right-of-way or property of another person. An animal is running at large if it is not under control of the owner and is not:

(1) Confined by an electronic collar system or within a fence, electronic fence system, wall, or other enclosure in such a manner so as to effectively prevent the animal from traveling onto the public right-of- way or property of another person;

(2) On a single animal trolley or pulley system on a cable run that is fixed in a manner allowing smooth freedom of movement of the animal without becoming tangled, wrapped around an object, or shortened, and:

a. Is at least twelve (12) feet in length and mounted between four (4) and seven (7) feet off the ground, allowing access to a reasonable exercise area, but does not allow the animal access to the public right-of-way or property of another person;

b. Allows the animal access to water and shelter;

c. Is an appropriate strength and weight given the size of the animal and is affixed to the animal by a proper fitting nylon or leather harness or collar, all as determined by an animal control officer, with swivel attachment; choke, pinch and prong collars are prohibited for this purpose.

(B) Notwithstanding the foregoing, it shall be unlawful for any person to place or keep an animal less than six (6) months of age on a trolley or pulley system as described in subsection (a)(2), above, and it shall be unlawful for any person to place or keep any animal on such trolley or pulley system during National Weather Service winter storm warnings, tornado warnings, flood warnings, excessive heat warnings, tropical storm warnings or hurricane warnings, or while the temperature is below thirty-two (32) degrees Fahrenheit or above ninety (90) degrees Fahrenheit.

(C) Subsection (a), above, shall not apply to an animal that is:

(1) On a leash, not more than ten (10) feet in length, secured by a harness or collar, or by an electronic collar system controlled by a person that ensures the animal stays within ten (10) feet of such person, while being walked or exercised by a person.

(2) At a designated animal or dog park or in attendance at any legal event in which the animal is a permitted attendee or participant;

(3) Actively shepherding or herding cattle or livestock or assisting in cultivating agricultural products;

(4) Under the care of a veterinarian or groomer;

(5) Being utilized or trained in a law enforcement or public safety capacity;

(6) Being legally used for hunting.

(D) It shall be unlawful for any person to allow any animal in his control or possession to be tied, tethered, or chained to a doghouse, tree, post, stake, barrel, or other stationary object unless its owner is physically present at the premises where the animal is being kept.

Sec. 7-24. - Animals, reptiles, or serpents known to be dangerous or vicious.

(A) The director shall have the authority, at the director's sole discretion, to impound any animal, reptile, or serpent (referred to collectively herein, for the sake of convenience, as "animals") whose owner is criminally charged because the animal is alleged to have bitten, charged, or caused other bodily injury to any human or other animal, pending final resolution of those criminal charges.

(B) The director shall have the authority, at the director's sole discretion, to impound any animal which, without provocation, attacks or bites or has attacked or bitten a human being or domestic animal.

(C) The owner shall be responsible for all costs related to the impounding of an animal under this provision, regardless of the outcome of the criminal matter.

(D) If the animal impounded under this provision is deemed by a court of proper jurisdiction to be a continuing danger to the owner, member of the public or any animal, the director shall humanely dispose of the animal.

Sec. 7-25. – Neglect and/or Cruelty.

(A) Adoption of state law. Any person or corporation committing the offense of cruelty to animals within the corporate limits of the city which is declared by law or laws of the state now existing (see Ala. Code § 13A-11- 14 and § 13A-11-241 (1975)) or hereinafter enacted to be a misdemeanor offense of cruelty to an animal shall be guilty of an offense against the city.

(B) The Director of the Mobile Animal Services shall serve as agent of the city to protect dogs and cats from cruelty and to prevent such cruelty, pursuant to Ala. Code § 13A-11-242(1975).

(C) The Director of the Mobile Animal Services shall serve as agent of the city to protect all animals from neglect and/or cruelty and to prevent such neglect and/or cruelty.

(D) The Director shall have the authority to impound any animal found suffering from neglect and/or cruelty. If in the opinion of the Director, the Owner has corrected a neglect violation, the Owner may reclaim the animal upon payment of all impoundment costs, including, but not limited to, transport, boarding, veterinary fees, vaccinations, and any other necessary Animal Services expenses. Owners charged with neglect and/or cruelty shall not be allowed to reclaim an animal until so ordered by the court. Neglected animals not reclaimed within five days of impound, including any partial day(s), shall be considered abandoned animals. Animals not reclaimed by Owners charged with neglect and/or cruelty, within five days of a court order allowing the animal to be reclaimed shall be considered an abandoned animal.

(E) It shall be unlawful to leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

(F) A police officer, or an animal control officer shall be authorized to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. In said circumstances, an officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible. In no event shall any officer cause damage to a motor vehicle unless a) there is no other reasonable means of entry, and b) an animal is in immediate danger of injury or death.

(G) A police officer, or animal control officer who removes an animal from a motor vehicle shall take it to Animal Services or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.

(H) A police officer or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location, on or within the motor vehicle, leave written notice bearing reclaim procedures for the impounded animal

(I) Neither the municipality, nor any employee or agent of the municipality, acting in good faith, shall be liable for any actions taken under this section. As provided in the Code of Alabama 1975, § 13A11-243: Powers if agents, officers; liability.

Sec. 7-26. - Certain sales regulated.

(A) No dog(s) shall be offered for sale, gift, or other transfer of ownership on or from any public street, roadway, right-of-way, sidewalk, or park.

(B) No dog(s) shall be offered for sale, gift, or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, unless the seller provides the buyer, at the time of sale, with the following:

(1) A signed original State of Alabama Small Animal Health Certificate;

(2) A negative fecal examination report from a licensed, accredited veterinarian which is dated no more than ten (10) days before the date of sale; and,

(3) A microchip registration form.

(C) No dog(s) shall be offered for sale, gift, or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, until the animal has reached the age of nine (9) weeks, as established by information included in the State of Alabama Small Animal Health Certificate.

(D) All dogs offered for sale, gift, or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, must be implanted with an identifying microchip. The microchip number must be provided on the microchip registration form provided to the purchaser or transferee at the time of sale.

(E) No vendor shall offer a dog(s) for sale or gift or other transfer of ownership at or from any pet store or swap meet, unless there is conspicuously displayed at each vendor location a sign which reads as follows:

ATTENTION

No dog shall be sold or given away unless the dog is at least

9 WEEKS OLD

AND

the buyer is provided with:
the original State of Alabama Small Animal Health Certificate

AND
a negative fecal examination report by a licensed veterinarian

AND
a document showing that the dog is micro-chipped

City of Mobile Code Section 7-26

(F) The print on said sign shall not be less than two (2) inches in height.

(G) For purpose of this section, a "swap meet" is defined as a place of commercial activity popularly known as a swap meet, flea market or park-and-swap, which is open to the general public and composed of enclosed, semi-enclosed or outdoor stalls, stands or spaces rented or leased to persons on a temporary basis for the purpose of display and sale, barter, or exchange of new or used merchandise.

(H) Exceptions. This section shall not prohibit the sale, gift, or other transfer of ownership of dogs at county fairs, animal exhibitions or shows, 4-H activities, and other activities or events that are regulated by other state or county agencies.

Sec. 7-27. - Authority of "nonsworn" ACOs.

Animal control officers who are not sworn police officers shall have the authority to issue notices of violations and municipal offense tickets for any violation of chapter 7 for which a set fine is published in the city's municipal court magistrate's fine schedule.

Sec. 7-28. - Authority of "sworn" ACOs.

Animal control officers who are sworn police officers shall have the authority to issue notices of violations and municipal offense tickets for any violation of chapter 7 for which a set fine is published in the city's municipal court magistrate's fine schedule and the additional authority to issue citations and warrants for violations of chapter 7 for which penalties must be assessed by a court of proper jurisdiction.

Sec. 7-29. - Authority to impound.

To promote the city's interest in seeing that all animals are treated humanely and to ensure the well-being of residents of the city, the director, any ACO, or city police officer is authorized to impound any animal if there is reasonable cause to believe any of the following (non-exclusive list) conditions exist:

(A) (1) The animal is the subject of an act of cruelty or neglect as prohibited by this chapter and state law;
(2) The animal is running at large, in violation of this chapter;
(3) The animal is an abandoned animal within the meaning of this Chapter;
(4) The animal is the subject of an Animal Services investigation for viciousness; or
(5) The animal does not display a valid inoculation tag and the owner, if identified, does not produce proper inoculation documentation.
(6) The animal is housed or kept on, or in, any structure, building, pen or other real property, not owned by the animal owner, and without the permission of the real property owner or person or entity with a possessory interest in the real property.

(B) Any animal not reclaimed by an owner, or for which an owner has failed to pay for veterinary fees and boarding within the first five-day period of impoundment shall be deemed an abandoned animal and become the property of Animal Services.

Sec. 7-30. - Authority to enter private property.

Any ACO, city police officer or agent of Animal Services is authorized to enter upon private property to impound any animal observed at large and chased to such property or, to investigate any ‘in plain view’ violation of this chapter, or impound any animal that, in the reasonable discretion of the ACO, police officer or Animal Services agent, has been abused, or neglected, or treated cruelly.

Sec. 7-31. - Humane traps and chemical capture methods.

(A) In order to apprehend animals in violation of this chapter who are otherwise difficult to apprehend, any ACO, city police officer or Animal Services agent is authorized to use traps designed to humanely capture such animals by placing the traps on any public property, upon the rights-of-way of any public street or highway, or upon the private property of any person who grants permission.

(B) Any ACO, city police officer, or Animal Services agent is hereby authorized to use chemical capture methods to capture animals in violation of this chapter when the use of humane traps would be ineffective, and the animal is diseased or poses a danger to public safety.

Sec. 7-32. - Destruction of certain animals.

(A) The director is authorized to humanely destroy any stray animal boarded and unclaimed at Animal Services for more than five (5) working days, provided that the Animal Services has made reasonable efforts to locate the animal's owner and been unsuccessful and provided that, in the director's opinion, the animal constitutes a direct and immediate threat to public health, safety or welfare.

(B) The director is authorized to humanely destroy any animal found unattended on public property when such animal is injured or diseased and past recovery.

(C) The director is authorized to humanely destroy any wild animal within the city limits which presents a direct and immediate threat to public health, safety, or welfare.

(D) The director is authorized to impound, any owned animal in which the Director has probable cause to believe the animal has bitten or fiercely attacked any person causing severe injury, the loss of bodily function or death when the director believes such animal constitutes a direct and immediate threat to public health, safety, or welfare. If the animal is not subject to quarantine, and the owner does not re-claim the animal within five days of impound, the animal will be considered abandoned and may be humanely destroyed.

(E) The director is to employ the most humane means possible when exercising the authority granted in this section.

ARTICLE IV. - FINES AND PENALTIES
Sec. 7-33. - Fines.

It shall be unlawful for any person to violate any provision of this chapter. Any person violating the provisions listed below shall be assessed the following fines, which are to be published in the City's municipal court magistrate's fine schedule. For second offense of any article of Chapter 7 a Court appearance is required. Penalties include fine of no more than $500.00 (excluding court costs) or up to six months in jail.

City Code Section	State Code Section Adopted	Fine
7-8		$100.00
7-9		Court appearance required. Fine of no more than $500.00 (excluding court costs) or up to six months in jail
7-17		~~$150.00~~ Court appearance required. Fine of no more than $500.00 (excluding court costs) or up to six months in jail
7-22		Court appearance required. Fine of no more than $500.00 (excluding court costs) or up to six months in jail
7-25	Ala. Code Sec. 13A-111- 14, Sec. 13A-11-241 (1975)	Court appearance required. Fine of no more than $500.00 (excluding court costs) or up to six months in jail
7-26		$100.00
All other violations of chapter 7		~~$25.00~~ $100.00

REZONE PROPERTY LOCATED AT 5015, 5017, 5019, 5021, 5029, 5033, 5039, 5049, 5051, 5055, 5121, & 5133 COTTAGE HILL ROAD, 2113 DEMETROPOLIS ROAD, AND 2104 GARMONS LANE FROM R-2 AND B-2 TO B-2. The following ordinance was held over until the regular meeting of November 15, 2022.

ORDINANCE: 64-059-2022

Sponsored by: Councilmember Reynolds

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One; That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit;

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, COTTAGE SQUARE SUBDIVISION, AS PER PLAT RECORDED IN INSTRUMENT #2021026506 OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF NORTH DEMETROPOLIS ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF NORTH DEMETROPOLIS ROAD, RUN S 01°18' 43"W 490.34 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF TROY LANE; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF TROY LANE, RUN N89°44'31"W 745.30 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF GARMON'S LANE; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF GARMON'S LANE, RUN S17°45'29"W 144.81 FEET TO THE P.C. OF A CURVE TO THE RIGHT

HAVING A CENTRAL ANGLE OF 72°24'00" AND A RADIUS OF 25.00 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF GARMON'S LANE, RUN SOUTHWESTWARDLY ALONG SAID WEST RIGHT OF WAY LINE OF GARMON'S LANE, A DISTANCE OF 31.59 FEET TO THE P.T. OF SAID CURVE (CHORD BEARS S53°57'29"W, 29.53 FEET FROM THE LAST DESCRIBED POINT); THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF GARMON'S LANE, RUN S89°50’31”E 18.30 FEET TO A POINT; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF GARMON'S LANE, RUN S17°45'29"W 143.29 FEET TO A POINT ON THE SOUTH BOUNDARY OF PARCEL 4, MARTHA YOUNG ESTATE, AS PER PLAT RECORDED IN MAP BOOK 13, PAGE 58 OF SAID PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; THENCE ALONG SAID SOUTH BOUNDARY OF PARCEL 4, MARTHA YOUNG ESTATE AND ALONG THE SOUTH BOUNDARY OF PARCEL 3 OF SAID MARTHA YOUNG ESTATE, RUN S88°50'31"W 269.48 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF UNIVERSITY BOULEVARD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF UNIVERSITY BOULEVARD,

RUN N06°07'55"W 506.78 FEET TO A; POINT ON THE ARC OF A 187.17 FOOT RADIUS CURVE CONCAVE SOUTHEASTWARDLY; SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN NORTHEASTWARDLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 178.97 FEET TO THE P.C. OF SAID CURVE (CHORD BEARS N44°54'09"E 172.23 FEET FROM THE LAST DESCRIBED POINT); THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN N72°17'44"E 317.81 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN N 70°08'40"E 532.86 FEET TO A POINT;' THENCE S07°56'10"E AND ALONG THE WEST BOUNDARY OF LOT 2 OF THE AFOREMENTIONED COTTAGE SQUARE SUBDIVISION, RUN A DISTANCE OF 200.30 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, COTTAGE SQUARE SUBDIVISION, THENCE RUN S88°48'19"E 108.39 FEET TO A POINT; THENCE RUN N01°11'41"E 83.79 FEET TO A POINT ON THE SOUTH BOUNDARY OF THE AFOREMENTIONED LOT 2, COTTAGE SQUARE SUBDIVISION; THENCE ALONG SAID SOUTH BOUNDARY OF LOT 2, COTTAGE SQUARE SUBDIVISION, RUN S88°42’29"E 110.33 FEET TO THE POINT OF BEGINNING. CONTAINING 614,189 SQUARE FEET OR 14.10 ACRES, MORE OR LESS.

The classification of said property is hereby changed from **R-1, Single-Family Residential District and B-2, Neighborhood Business District to B-2, Neighborhood Business District,** and it shall hereafter be lawful, to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in **B-2, Neighborhood Business District**, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16,1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a **B-2, Neighborhood Business District** until all of the conditions set forth below have been complied with: **1) completion of the Subdivision process; 2) compliance with Engineering comments: (a) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII), b) A Land Disturbance\Permit application shall be submitted for any proposed land disturbing activity with the property, A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work, c) Any and all proposed land disturbing activity within the property will need to be submitted for review and be**

in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control): the City of Mobile Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control d) Any existing or proposed detention facility shall he maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy, e) The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland, and flood plain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals, f) The proposed development must comply with all Engineering Department design requirements and Policy Letters.); and, 3) full compliance with all municipal codes and| ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF CONSENT RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Gregory moved for the suspension of the rules to consider Consent Resolutions 03-980 through 03-1005 being introduced for the first time. The motion was seconded by Councilmember Jones, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the items

CONSENT RESOLUTIONS BEING INTRODUCED

RE-APPOINT DIANNE JONES TO THE HISTORY MUSEUM OF MOBILE BOARD. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 03-980-2022

Sponsored by: Councilmember Gregory

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that Dianne Jones is hereby re-appointed to the History Museum of Mobile Board, effective December 31, 2022, for a term ending December 31, 2025.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RESTAURANT RETAIL LIQUOR LICENSE TO POST CRAFTED COCKTAILS AND WINE BAR; 4513 OLD SHELL ROAD. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 37-981-2022

Sponsored by: Councilmember Daves

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the following application to the Alabama Alcoholic Beverage Control Board of the State of Alabama, is hereby recommended for grant of such license by said Board.

Type of application: Restaurant Retail Liquor License

Submitted by: Post Spring Hill, LLC

Location: Post Crafter Cocktails and Wine Bar
4513 Old Shell Road
Mobile, AL 36608

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER/TABLE WINE (OFF PREMISES ONLY) LICENSE TO SHIVJI STORE; 65 N. CODY ROAD. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 37-982-2022

Sponsored by: Councilmember Gregory

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the following application to the Alabama Alcoholic Beverage Control Board of the State of Alabama, is hereby recommended for grant of such license by said Board.

Type of application: Retail Beer/Table Wine (Off Premises Only) License

Submitted by: Shivji Operating, LLC

Location: Shivji Store
65 North Cody Road
Suite E
Mobile. AL 36608

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE REMOVAL OF WEEDS, GROUP 1634. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 58-983-2022

A RESOLUTION DETERMINING WHAT OBJECTIONS SHALL BE ALLOWED AND WHAT OBJECTIONS SHALL BE OVERRULED TO THE REMOVAL OF NOXIOUS OR DANGEROUS WEEDS ON OR IN FRONT OF CERTAIN PARCELS OF LAND.

WHEREAS, notice has been duly given and posted at least five days prior to the date of this resolution in the manner provided by law offering full opportunity to all Interested parties to object to the removal of noxious or dangerous weeds on the hereinafter described parcels of land, and the City Council of Mobile haying held such public hearing in connection with the notices given and no objections having been filed or made by any of the interested parties; and

WHEREAS, Parcels Nos. 1 through 20 described in the resolution adopted on the **4th day** of **October 2022**, have not been cleared of noxious and dangerous weeds and continue to be public nuisances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, as follows:

SECTION 1. It is hereby ascertained and determined that the dangerous and noxious weeds growing on the hereinafter described parcels of real property are public nuisances, and it is hereby ordered and directed that the employees of the City of Mobile assigned to that work promptly remove the weeds on such parcels of property: PARCELS OR PIECES OF PROPERTY ON WHICH NOXIOUS OR DANGEROUS WEEDS ARE TO BE REMOVED: Parcels of real property located in the City of Mobile and more particularly described as Parcels Nos. 1 through 20, as described In the resolution adopted on the **4th** day of **October 2022,** and entitled: "A RESOLUTION DECLARING WEEDS GROWING UPON THE STREETS OR SIDEWALKS AND UPON PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MOBILE TO BE NOXIOUS OR DANGEROUS AND TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES."

(Lot Cleaning Liens, Group No.**1634** on file In the office of the City Clerk).

SECTION 2. The employees of the City of Mobile assigned to the work required by this resolution are hereby expressly authorized to enter upon such described pieces of property for the purpose of removing the weeds authorized by this resolution to be removed. The owner of any of the above described pieces of property shall have the right to remove the weeds ordered by this resolution to be removed from this property provided such removal is done prior to the arrival of the employees of the City of Mobile against his property by reason of any action taken hereunder. An accurate account of the costs with respect to each piece of property shall be kept by the employees of the City of Mobile covering the costs of removing such weeds in front of or in front of or on each separate lot or parcel of land where the work Is done by the City of Mobile or its employees, and promptly thereafter an itemized report in writing shall be made to the City Council showing such costs with respect to each separate lot or parcel of land but before the report is submitted to' the City Council a copy of the itemized costs with respect to each such lot or parcel of land shall be posted for at least three days prior to such report on the door of the Council Chamber at the City Hall of Mobile, Alabama, together with a notice of the time when the report will be submitted to the City Council for confirmation.

	WEED LIEN				
	1634			Res. No.	
10/4/2022	LOTS TO BE DECLARED			58-	
11/8/2022	LOTS FOR PUBLIC HEARING			58-	
//2022	LOTS TO BE ASSESSED FOR COST			58-	
			Amount	Dis	N/A
No.	Address	SRO No.	CASE #	Assessed		CBO
1	1202 Bernice Hudson Dr	28741	21533		3	
2	1512 Dominick St	28302	21534		2	
3	902 Gulf Terra Dr W	29239	21535		3	
4	711 Euclid Ave	29295	21536		5	
5	1051 Choctaw St	29262	21537		3	
6	2558 Hillcrest Rd	29482	21538		6	
7	0 Schwarz St/James Finley Dr	26950	21552		1	
	Par. No. (29 07 42 0 001 544.XXX)					
8	1159 Rotterdam St	28816	21539		2	
9	4044 Marchfield Dr N	29326	21540		4	
10	515 Wisconsin Ave	28707	21541		2	
11	0 University Blvd N	21280	21542		7	
	Par. No. (28 02 10 1 003 028.005)					
12	0 Wealthy/Wellington St	19649	21542		7	
	Par. No. (29 02 44 0 008 416.XXX)					
13	0 Cody Rd	18800	21544		7	
	Par. No. (28 04 18 1 002 068.XXX)					
14	5327 Halls Mill Rd	11850	21545		4	
15	4060 Moffett Rd	28203	21546		1	
16	0 Cassidy St	19834	21547		2	
	Par. No. (29 02 44 0 030 350.XXX)					
17	3607 Heritage Dr N	28997	21548		5	
18	624 Mohawk St	28990	21549		5	
19	730 Bankhead Place A	19337	21550		5	
20	808 Baltimore St	21523	21551		3	
				$ -		

District total for this group		Numbers of lots cut	
1	2	1	
2	4	2	
3	5	3	
4	2	4	
5	4	5	
6	0	6	
7	3	7	
	20		0

*ADD Added in from other Groups — *CBC Cut By Contractor

*CBO Cut By Owner — *UDL Undeveloped Lot

*N/A Taken out by Inspector

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

ASSESS COST FOR REMOVAL OF WEEDS, WEED LIEN 1630. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 58-984-2022

RESOLUTION ASSESSING THE COST OF REMOVAL OF NOXIOUS OR DANGEROUS WEEDS IN FRONT OF OR ON CERTAIN PARCELS OF LAND IN THE CITY OF MOBILE, ALABAMA.

WHEREAS, an itemized report in writing has been made to the City Council of Mobile, showing the costs of removing noxious or dangerous weeds on or in front of the hereinafter described parcels of land, a copy of such report having first been posted on the Council

Chamber door more than three days prior to the meeting at which the report was received, and the City Council having heard the report, together with any objections which may have been raised by any of the property owners liable to be assessed for the work of culling such weeds, and the City Council being of the opinion that such report in all respects be confirmed.

IT IS THEREFORE RESOLVED BY THE CITY COUNCIL OF MOBILE as follows:

Section 1. The amount set opposite each described parcel of real property contained in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part hereof as though set forth in full and known as **Weed Lien Group 1630** shall constitute special assessments against such respective parcels of land; and each such parcel of land is hereby assessed with the amount set opposite its description; and the assessment hereby, made and confirmed shall constitute a lien on and against each such respective parcel of land for the amount of each respective assessment so made; and the report made to this body of the costs of removing the noxious or dangerous weeds on or in front of the respective parcels of land is hereby in all respects confirmed.

Section 2. It is directed that a copy of this resolution be delivered to the Tax Collector of the City of Mobile, and it shall be his duty to add the amounts of the above respective assessments to the next regular bills for ad valorem taxes levied against the said respective lots and parcels of land for municipal purposes, and such amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and same procedure on foreclosure and sale as in the case of delinquency as provided for ordinary ad valorem taxes.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DECLARE THE STRUCTURE AT 1853 TOULMIN AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-985-2022

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at **1853 Toulmin Avenue** has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 12, 14 and 15;** and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **1853 Toulmin Avenue** described as:

E 20 FT OF THE N ½ OF LOT 26 FT OF THE N ½ OF LOT 26 & W 26 FT OF THE N ½ OF 27 OF THE LEWIS ADDN TO TOULMINVILLE DBK156 P 260 #SEC 44 T45 R1W #MP29 02 44 0 0230.

Parcel Number: **29 02 44 0 272 023**

Last Assessed to: **MICHAEL CYRUS SIGLER**

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be ***demolished*** in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed. above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DECLARE THE STRUCTURE AT 1302 VIRGINIA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-986-2022

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at **1302 Virginia Street** has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with ***Section 4, Subsection 5*** of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 12, 14 and 15;** and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **1302 Virginia Street** described as:

BEG SE COR LOT 10 BLK 7 GLENDALE PARK DBK 61/316 TH ELY 48.5FT TH NLY 18.4 FT TH ELY 4 FT TH NLY 50.3 FT TH WLY 4.6 FT TH NLY 31.3 FT TH RUN WLY 48.5 FT TH SLY 100 FT TO POB BEING PT LOTS 9 & 8 & PT VACATED ALLEY BLK 7 SD SUB #SEC 27 T4S R1W#MP29 10 27 2 001

Parcel Number: **29 10 27 2 001 094**

Last Assessed to: **CARLSON FRANKLIN COLE SR**

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be ***demolished*** in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DECLARE THE STRUCTURE AT 850 VICTORY DRIVE, W. A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-987-2022

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, “Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at **850 Victory Drive W.** has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 12, 14 and 15;** and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **850 Victory Drive W.** described as:

LOT 13 BLK 2 VICTORY PL MBK 3 P 658-660 #SEC 29 T4S R1W #MP29 09 29 4 003

Parcel Number: 29 09 29 4 003 076

Last Assessed to: BOBBY POELLNITZ

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be ***demolished*** in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the

publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be tabled, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution tabled.

DECLARE THE STRUCTURE AT 2721 RALSTON ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-988-2022

Sponsored by: Councilmember Daves

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at **2721 Ralston Road** has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 12, 14 and 15;** and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **2721 Ralston Road** described as:

LOT 10 BLK E RESUB OF WESTLAWN MBK 4 P 516-520 #SEC 19 T4S R1W #MP29 08 19 4 003

Parcel Number: 29 0819 4 003 010

Last Assessed to: MARK BAILEY

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be ***demolished*** in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE AWARD OF SPECIAL BONUS TO THE PARKS & RECREATION EMPLOYEE OF THE MONTH; MITCHELL. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-989-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City Supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of $500 to the following employee:

• November 8, 2022 – Name: Freda Mitchell (Employee #15496) Parks & Recreation (Tennis)

This employee is to be commended for her exemplary work performance or innovations that significantly reduce costs or results in an outstanding improvement in service to the public.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE AWARD OF SPECIAL BONUS TO THE PUBLIC SERVICES EMPLOYEE OF THE MONTH; DANIELS. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-990-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City Supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of $500 to the following employee:

• November 2022 – Kelvin Daniels (Employee #13725 – Urban Forestry)

This employee is to be commended for their exemplary work performance or innovations that significantly reduce costs or result in an outstanding improvement in service to the public.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE AWARD OF SPECIAL BONUS TO THE PUBLIC WORKS AT LARGE EMPLOYEE OF THE MONTH; DAVIS. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-991-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City Supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of $500 to the following employee:

- **November 2022 – Jason Davis (Employee # 15781) Public Works at Large (Facilities Maintenance)**

This employee is to be commended for her exemplary work performance or innovations that significantly reduce costs or results in an outstanding improvement in service to the public.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO THE NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-992-2022

Sponsored by: Councilmember Penn

WHEREAS, Councilmember Penn wishes to appropriate **$1,000.00** to National Association of Women Business Owners, from his discretionary funds; and

WHEREAS, National Association of Women Business Owners, is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to National Association of Women Business Owners, will be used to assist with reaching a goal of 100 members by December 30, 2023, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **$1,000.00** to National Association of Women Business Owners, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO RIGHT WAY CHRISTIAN CENTER CHURCH SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-993-2022

Sponsored by: Councilmember Penn

WHEREAS, Councilmember Penn wishes to appropriate **$2,250.00** to Right Way Christian Center Church, from his discretionary funds; and

WHEREAS, Right Way Christian Center Church is an Alabama non-profit religious association which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to Right Way Christian Center Church to assist with the purchase of 25,000 pounds of food from Feeding the Gulf Coast food bank and some turkeys for the Thanksgiving holiday which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **$2,250.00** to Right Way Christian Center Church for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO WYNNFIELD HOMEOWNERS ASSOCIATION, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-994-2022

Sponsored by: Councilmember Jones

WHEREAS, Councilmember Jones wishes to appropriate **$3,000.00** to Wynnfield Homeowners Association, Inc. from his discretionary funds; and

WHEREAS, Wynnfield Homeowners Association, Inc. is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to Wynnfield Homeowners Association, Inc. will be used to assist with the installation of cameras at the entrance of the neighborhood and cleaning out the storm drains along Sollie Road, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **$3,000.00** to Wynnfield Homeowners Association, Inc. for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO CC'S CLASSIC CATERING, LLC SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-995-2022

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate **$2,095.00** to CC's Classic Catering, LLC from her discretionary funds; and

WHEREAS, CC's Classic Catering, LLC, is an Alabama domestic company which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to CC's Classic Catering, will be used to help with the food for the Christmas celebration for District 7 to be held at the Mobile Museum of Art on December 5, 2022, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **$2,095.00** to CC's Classic Catering, LLC, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO THE UNITED METHODIST INNER CITY MISSION OF MOBILE, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-996-2022

Sponsored by: Councilmembers Carroll, Small, Daves, Jones & Gregory

WHEREAS, Councilmember Carroll wishes to appropriate **$2,500.00;** Councilmember Small wishes to appropriate **$5,000.00;** Councilmember Daves wishes to appropriate **$1,500.00**; Councilmember Jones wishes to appropriate **$1,000.00** and Councilmember Gregory wishes to appropriate **$1,500.00 (TOTAL $11,500.00)** to the United Methodist Inner City Mission of Mobile, Inc., from their discretionary funds; and

WHEREAS, United Methodist Inner City Mission of Mobile, Inc., is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to United Methodist Inner City Mission of Mobile, Inc., will be used to help assist the Marching Cougars Band with purchasing drumsticks, straps, windbreakers, spats, drumheads, banner and operational travel expenses, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **$11,500.00** to United Methodist Inner City Mission of Mobile, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RE-APPOINT HARRIS OSWALT TO THE MOBILE LIBRARY BOARD. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 03-1005

Sponsored by: Councilmember Daves

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Harris Oswalt is re-appointed to the Mobile Library Board effective immediately for a term ending November 8, 2026.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RESOLUTIONS BEING INTRODUCED

APPROVE PURCHASE ORDER TO SCHAEFER PLASTICS NORTH AMERICA, LLC FOR 793 RESIDENTIAL TRASH CONTAINERS; $47,287.69. The following resolution was held over until the regular meeting of November 15, 2022.

RESOLUTION: 08-997-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
1470	2023	(2090B) GARBAGE COLLECTION	793 96GAL RESIDENTIAL TRASH CONTAINERS (HGAC COPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	$47,287.69	(297915) SCHAEFER PLASTICS NORTH AMERICA, LLC

APPROVE PURCHASE ORDER TO SUNBELT FIRE, INC. FOR 50 SETS OF TURNOUT/BUNKER GEAR FOR MFRD; $147,400.00. The following resolution was held over until the regular meeting of November 15, 2022.

RESOLUTION: 08-998-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
1293	2023	(1510) FIRE ADMISTRATION	50 SETS OF TURNOUT/BUNKER GEAR FOR MFRD (SEALED BID 5637)	$147,400.00	(198904) SUNBELT FIRE INC

APPROVE PURCHASE ORDER TO IT VENDOR FOR MANAGED NETWORK THREAT PROTECTION, EQUIPMENT AND 1-YEAR SUPPORT SUBSCRIPTION; $19,593.90. The following resolution was held over until the regular meeting of November 15, 2022.

RESOLUTION: 08-999-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
726	2023	(5000) INFORMATION TECHNOLOGY	MANAGED NETWORK THREAT PROTECTION EQUIPMENT AND ONE-YEAR SUPPORT SUBSCRIPTION (SEALED BID 5637)	$19,593.90	(298062) IT VENDOR

TRANSFER FUNDS FROM THE GENERAL FUND TO CAPITAL IMPROVEMENT FUND, CAPITAL PROJECT CRUISE TERMINAL-NEW GANGWAY; $4,9000,000.00. The following resolution was held over until the regular meeting of November 15, 2022.

RESOLUTION: 09-1000-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of $4,900,000.00 be transferred from unassigned fund balance in the General Fund, (Fund 1000) to Capital Improvement Fund (Fund 2000) Capital Project Cruise Terminal-New Gangway.

These funds will be used for the purchase and installation of a new gangway.

AUTHORIZE CHANGE ORDER WITH JOHN G. WALTON CONSTRUCTION CO., INC. FOR TEXAS STREET REHABILITATION PROJECT; $125,526.75. The following resolution was held over until the regular meeting of November 15, 2022.

RESOLUTION: 21-1001-2022

Sponsored by: Mayor Stimpson and Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, Change Order No. 2 to the contract, by and between the City of Mobile and the company listed below, for work as outlined in the Change Order attached hereto and made a part hereof as set forth in full, subject to the company signing the Change Order. A copy of said executed Change Order will be on file in the office of the City Clerk.

Name of Company: John G. Walton Construction Company, Inc.

Project Name: Texas Street Rehabilitation (Ann Street to Broad Street)
COM Project No. 2018-3005-18
Change Order No. 2

Estimated Cost: $125,526.75 (Add)

AUTHORIZE CHANGE ORDER WITH JOHN G. WALTON CONSTRUCTION CO., INC. FOR BROAD STREET REDEVELOPMENT PROJECT; $2,008,451.45. The following resolution was held over until the regular meeting of November 15, 2022.

RESOLUTION: 21-1002-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, Change Order No. 4 to the contract, by and between the City of Mobile and the company listed below, for work as outlined in the Change Order attached hereto and made a part hereof as set forth in full, subject to the company signing the Change Order. A copy of said executed Change Order will be on file in the office of the City Clerk.

Name of Company: John G. Walton Construction Co., Inc.

Project Name: TIGER 2016 Project Phase One-Two
Broad Street (US-90) from Canal Street to Dr. Martin Luther King Jr. Avenue and Beauregard Street (SR-16) from Dr. Martin Luther King, Jr. Avenue to Lawrence St

COM Project No.: 2018-3005-01
Change Order No. 4

Estimated Cost: $2,008,451.45 (Increase)

AURHORIZE RELEASE OF CLAIMS AND SETTLEMENT AGREEMENT; KNIGHT AND SMITH. The following resolution was held over until the regular meeting of November 15, 2022.

RESOLUTION: 60-1003-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized and directed to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claims of Keiundra Knight and Samaya Smith, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 3200 AND 3202 OLD SHELL ROAD FROM R-1 AND B-3 TO B-3 (DISTRICT 1) (SCHEDULED FOR DECEMBER 6, 2022). The following ordinance was introduced by Councilmember Daves.

ORDINANCE: 41-1004-2022

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed amendment to the Zoning Ordinance is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

Notice of Public Hearing for the Proposed Rezoning of Property Located at 3200 and 3202 Old Shell Road (Northwest comer of Old Shell Road and Abrams Street)

Pursuant to Resolution of the Mobile, Alabama City Council adopted November 8,2022, a public hearing will be held on the 6TH day of December, 2022, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at 3200 and 3202 Old Shell Road (northwest comer of Old Shell Road and Abrams Street) from R-1, Single-Family Residential District, and B-3, Community Business District, to B-3, Community Business District.

The public hearing will be held in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama. All persons who desire shall have an opportunity to be heard in favor of or in opposition to the proposed amendment at such time and place. Further, the City Council may consider zoning classifications other than the ones sought by the applicant, and may take other actions allowed by law.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

BEGINNING AT THE SOUTHEAST CORNER OF LOT I, BLOCK 2, INGATE PLACE AS RECORDED IN DEED BOOK 106 PAGE 86 PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA, THENCE NORTH 73° - 58' - 35- WEST ALONG THE NORTH LINE OF OLD SHELL ROAD 116.89 FEET; THENCE NORTH 00° - 09' - 28" EAST 175.00 FEET; THENCE SOUTH 73° - 43' - 52" EAST 116.53 FEET TO A POINT ON THE WEST LINE OF ABRAMS STREET; THENCE SOUTH ALONG SAID WEST LINE 174.62 FEET TO THE POINT OF BEGINNING; BEING A PORTION OF LOTS 1 AND 2, BLOCK 2, INGATE PLACE.

The classification of said property is hereby changed from R-1, Single-Family Residential District, and B-3, Community Business District, to B-3, Community Business District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in B-3, Community Business District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16,1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a B-3, Community Business District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and, 2) full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

Councilmember Daves then moved to call for the public hearing, which move as seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays:

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as December 6, 2022.

ANNOUNCEMENTS

Councilmember Penn reminded citizens that “Penns-Giving” will be on November 26, 2022, along with the Toulminville Community Parade.

Councilmember Penn stated that there will be a grocery giveaway in District 1 on November 19, 2022.

Councilmember Jones encouraged citizens to vote on today.

Councilmember Jones thanked residents for coming out to the District 6 meeting last week.

Councilmember Jones announced that the Public Service Committee meeting scheduled on November 15, 2022, will be moved to November 29, 2022.

Councilmember Gregory announced the District 7 annual Christmas meeting will be held on December 5, 2022, at the Mobile Museum of Art at 6:00 p.m.

Councilmember Small thanked Pastor Frazier, Sr. and Revelation Missionary Baptist Church for hosting the District 3 meeting last evening.

Councilmember Small announced a District 3 meeting will be held on November 14, 2022, at Eichold-Mertz Magnet School, at 6:00 p.m.

Councilmember Small stated that the District 3 holiday meeting will be on December 13, 2022, at Maryvale Elementary School, at 6:00 p.m.

Councilmember Small shared that the “Parade of Threes” will be on Saturday, December 17, 2022, at 2:00 p.m.

Councilmember Reynolds moved to adjourn the meeting, which move was seconded by Councilmember Daves and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 11:19 p.m.

Adopted:

_____
COUNCIL PRESIDENT

_____
CITY CLERK