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 2012 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 a resolution adopted by the City Council of the City of Mobile, Alabama on March 3, 2015, is hereby adopted as the “Existing 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 2012 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 2012 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sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.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.

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 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 and from an agent thereof with an office in the City of Mobile.

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 work on the residence that they occupy, may obtain permits for their residence if they are deemed competent by the applicable code official. All applicants' must complete and sign an affidavit stating ownership and responsibility for the appropriate work. Any individual other than the owner doing the work on the property is considered a contractor and shall meet the requirements of a contractor as set forth herein. All inspection criteria shall be the same as for contractors in the respective sections of the applicable code and ordinances. All other properties will be considered as commercial and subject to Article 4 Contractors Criteria and Qualifications in this Ordinance.

**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 1½” high, identifying the firm’s name.

**ARTICLE EIGHT: CHAPTER 1 SCOPE AND ADMINISTRATION of the 2012 International Existing Building Code shall be amended as follows:**
Amend SECTION 101 GENERAL to read as follows:

Amend Paragraph 101.1 Title to read as follows:

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.”

Amend Paragraph 101.2 Scope to read as follows:

101.2 Scope. Add the following Exceptions:

Exception:
1. One & Two Family Dwellings shall be exempted from the requirements of this code.

2. Historical Structures: Building official at his discretion may, after submission of a 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.

Amend Paragraph 101.6 Appendices to read as follows:

101.6 Appendices. The following appendices shall be adopted:

A – Guidelines for the Seismic Retrofit of Existing Buildings.
B – Supplementary Accessibility Requirements.

Amend SECTION 102 APPLICABILITY to read as follows:

Amend paragraph 102.4.2 Conflicting provisions to read as follows:
Add Paragraph 102.4.2.1 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 Paragraph 102.4.2.2 to read as follows:

102.4.2.2 Mechanical. Where applicable, the provisions of the 2012 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 102.4.2.3 to read as follows:

102.4.2.3 Plumbing. Where applicable, the provisions of the 2012 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 Paragraph 102.4.2.4 to read as follows:

102.4.2.4 Property Maintenance. Where applicable, the provisions of the 2012 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 102.4.2.5 to read as follows:

102.4.2.5 Application of the fire code. The provisions of the 2012 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 Paragraph 102.4.2.6 to read as follows:

102.4.2.6 Building. Where applicable, the provisions of the 2012 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 Paragraph 102.4.2.7 to read as follows:

102.4.2.7 Electrical. Where applicable, the provisions of the 2014 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.
Amend SECTION 104 DUTIES AND POWERS OF CODE OFFICIAL to read as follows:

Amend Paragraph 104.10.1 Flood hazard areas 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.

Amend SECTION 105 PERMITS to read as follows:

Delete Paragraph 105.1.1 Annual permit in its entirety.

Delete Paragraph 105.1.2 Annual permit records in its entirety.

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

105.2 Work exempt from permit. Delete subparagraph 5 under “Building”.

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

105.2 Work exempt from permit. Delete Gas in its entirety.

Amend Paragraph 105.3 Application for permit to read as follows:

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

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

Amend SECTION 106 CONSTRUCTION DOCUMENTS to read as follows:

Amend paragraph 106.2.1 Construction documents to read as follows:

Add 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 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.

Amend SECTION 108 FEES to read as follows:

Delete Paragraph 108.2 Schedule of permit fees in its entirety.
Add 108.2 Schedule of permit fees to read as follows.

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.

Delete Paragraph 108.6 Refunds in its entirety

Add 108.6 Refunds to read as follows:

Add 108.6 Refund – Refunds shall be in accordance with the “Building Codes Permit Fee Schedule Ordinance”.

Amend SECTION 112 BOARD OF APPEALS to read as follows:

Delete Paragraph 112.1 General in its entirety.

Add Paragraph 112.1 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 of the International Building Code and the Ordinance adopting the International Building Code which is adopted by separate ordinance.

Delete Paragraph 112.2 Limitations on authority in its entirety.

Delete Paragraph 112.3 Qualifications in its entirety.

Amend SECTION 113 VIOLATIONS to read as follows:

Delete Paragraph 113.4 Violation penalties in its entirety.

Add Paragraph 113.4 Violation penalties to read as follows:

113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair 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 guilty of a misdemeanor, in accordance with the applicable sections of the Mobile City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(a) Violation of the provisions of this code shall be subject to $250.00 fine unless otherwise listed below:

1. Occupying a commercial building without a Certificate of Occupancy $500.00
2. Working without proper license and certifications $500.00
3. Occupying a residential building without a Certificate of Occupancy $300.00
4. Signage on all vehicles used by contractor $100.00
5. Interference with Code Official $100.00
Amend SECTION 115 UNSAFE BUILDINGS AND EQUIPMENT to read as follows:

Amend Paragraph 115.3 Notice to read as follows:

Add Paragraph 115.3.1 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 thereafter, 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: CHAPTER 2: DEFINITIONS of the 2012 International Existing Building Code shall be amended as follows:

Amend SECTION 202 GENERAL DEFINITIONS. Add definitions 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.

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: CHAPTER 3: COMPLIANCE METHODS of the 2012 International Existing Building Code shall be amended as follows:

Amend SECTION 301 COMPLIANCE METHODS to read as follows:

Amend Paragraph 301.2 Additional codes to read as follows:
301.2 Additional codes. Alterations, repairs, additions and changes of occupancy to, or 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 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: CHAPTER 7: ALTERATIONS-LEVEL 1 of the 2012 International Existing Building Code shall be amended as follows:

Amend SECTION 702 BUILDING ELEMENTS AND MATERIALS to read as follows:

Delete 702.4.1 International Fuel Gas Code in its entirety.

ARTICLE TWELVE: CHAPTER 14: PERFORMANCE COMPLIANCE METHODS of the 2012 International Existing Building Code shall be amended as follows:

Amend SECTION 1401 GENERAL to read as follows:

Amend 1401.2 Applicability to read as follows:

Amend Paragraph 1401.2 Applicability to read as follows:

1401.2 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 1401.2.1 through 1401.2.5 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 THIRTEEN: 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, sub-sections, sentences or phrases be declared unconstitutional.

ADOPTED: March 31, 2015
City Clerk

March 31, 2015
Date

3-4-15 Ordinance Adopting the 2012 International Existing Building Code