

ORDINANCE 2225-20

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 2136-12 AND ADOPT VARIOUS NEW CODES RELATING TO INSPECTION ACTIVITIES OF THE CITY OF SYLACAUGA, ALABAMA, AND ENFORCEMENT OF BUILDING AND LIFE SAFETY PROVISIONS AS PROVIDED IN SAID CODES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SYLACAUGA, ALABAMA, as follows:

SECTION 1. The following codes are hereby adopted by reference as though they were copied herein fully WITH THE EXCEPTIONS:

- a. 2015 International Building Code, including Appendix C (Agricultural Buildings: Group U) with the following additions, insertions, deletions and changes.
 1. DELETE Chapter 13 in its entirety and replace with the State of Alabama minimum adopted standards, if any, as defined by the Alabama Department of Economic and Community Affairs (ADECA) Energy division or any state agency that supersedes.
 2. AMEND Section 109.2 (Fee Schedule) to include Exhibit A - Fee Schedule.
 3. DELETE Section (A) 114, REPLACE with Section 4 - Penalties of this Ordinance.
 4. DELETE Section (A) 115, REPLACE with Section 5 – Stop Work Orders of this Ordinance.
- b. 2015 International Residential Code, including Appendix E - Sections AE 101 to AE 402: Manufactured Homes; Appendix H: Patio Covers; Appendix J: Existing Buildings & Structures; Appendix M: Home Day Cares; and Exhibit A - Fee Schedule – Fee Schedule, with the following additions, insertions, deletions and changes.
 1. DELETE Part 4, Chapter 11 in its entirety and replace with the State of Alabama minimum adopted standards, if any, as defined by the Alabama Department of Economic and Community Affairs (ADECA) Energy division or any state agency that supersedes
 5. DELETE Part 5, Chapters 12-23, “Mechanical” and all references to such chapters.
 6. DELETE Part 6, Chapter 24, “Fuel Gas” and all references to such chapter.
 7. DELETE Part 7, Chapters 25-33, “Plumbing” and all references to such chapters.
 8. DELETE Part 8, Chapters 34 – 43, “Electrical” and all references to such chapters.
 9. DELETE Section (A) 113, REPLACE with Section 4 - Penalties of this Ordinance.
 10. DELETE Section (A) 114, REPLACE with Section 5 - Stop Work Orders of this Ordinance.
 11. Section R101.1. Insert: City of Sylacauga
 12. AMEND Section 108.2 to include Exhibit A - Fee Schedule.
 13. Table R301.2(1) Local Climatic and Geographic Design Criteria Insert in chart from left to right: 5LB; 115 MPH; NO; NO; NO; B; MODERATE; 12”; VERY HEAVY; 21 DEGREES; NO; 3/16/16; 160; 61 DEGREES
- c. 2015 International Plumbing Code as published by the International Code Council.
 1. Section 101.1. Insert: City of Sylacauga
 2. DELETE Section 106.6.1. REPLACE with Section 4 - Penalties of this Ordinance
 3. DELETE Section 106.6.2. REPLACE with Exhibit A - Fee Schedule.
 3. DELETE Section 106.6.3. REPLACE with Section 3 of this Ordinance and Exhibit B - Application for Permit Fee Refund.
 4. DELETE Section 108.4, REPLACE with Section 4 - Penalties of this Ordinance.
 5. DELETE Section 108.5, REPLACE with Section 5 - Stop Work Orders of this Ordinance.
 6. Section 305.4.1. Insert 12 inches.
 7. Section 903.1. Insert: 6 inches.
- d. 2015 International Mechanical Code as published by the International Code Council.
 1. Section 101.1. Insert: City of Sylacauga
 2. Section 106.5.2 (Fee Schedule). Insert: Exhibit A - Fee Schedule
 3. DELETE Section 106.5.3 (Fee Refunds). REPLACE with Section 3 of this Ordinance and Exhibit B - Application for Permit Fee Refund.
 4. DELETE Section (A) 108.4, REPLACE with Section 4 - Penalties of this Ordinance.
 5. DELETE Section (A) 108.5, REPLACE with Section 5 - Stop Work Orders of this Ordinance.

- e. 2015 International Fuel Gas Code as published by the International Code Council including Appendices A (Sizing and Capacities of Gas Piping); B (Sizing of Venting Systems) – C (Exit Terminals) and Exhibit A - Fee Schedule.
 - 1. Section 101.1. Insert: City of Sylacauga
 - 2. DELETE Section 106.6.2. REPLACE with Exhibit A - Fee Schedule: Fee Schedule
 - 3. DELETE Section 106.6.3 (Fee Refunds). REPLACE with Section 3 of this Ordinance and Exhibit B - Application for Permit Fee Refund.
 - 4. DELETE Section (A) 108.4, REPLACE with Section 4 - Penalties of this Ordinance.
 - 5. DELETE Section (A) 108.5, REPLACE with Section 5 - Stop Work Orders of this Ordinance.
- f. 2015 International Property Maintenance Code as published by the International Code Council including Appendix A.
 - 1. Section 101.1. Insert: City of Sylacauga
 - 2. DELETE Section 103.5. REPLACE with Exhibit A - Fee Schedule
 - 3. DELETE Section 106.4. REPLACE with Section 4 - Penalties of this Ordinance.
 - 4. DELETE Section 112. REPLACE with Section 5 - Stop Work Orders of this Ordinance.
 - 5. DELETE Section 302.4, INSERT 12 inches.
 - 6. AMEND Section 304.14 to read: Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition at all times. EXCEPTION: If structure is equipped with a fixed heating and cooling system in good working condition, screens are not mandatory.
 - 7. AMEND Section 602.3 to read: **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 year round to maintain a minimum temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms and indoor occupiable work spaces.
 - 8. DELETE Section 602.4 - Occupiable Work Space
- g. 2020 National Electrical Code (NFPA 70) as published by the National Fire Protection Association in its entirety and Exhibit A - Fee Schedule.
 - 1. AMEND Article 334, Section 334.12: Uses Not Permitted. Add – NM, NMC and MNS are not permitted in any building designated commercial in whole or in part that is open to the general public other than (A) permitted “home occupation” business (B) offices built as non-rated structures or within non-rated structures less than 2500 square feet. Existing nonconforming wiring will be permitted to remain, any repairs or additions shall be installed per this amendment.
- h. 2015 International Fire Code as published by the International Code Council including Exhibit A - Fee Schedule. Any portion of the 2012 International Fire Code found to be in conflict with state law shall be void.
 - 1. Section 101.1. Insert: City of Sylacauga
 - 2. DELETE Section 109.4. REPLACE with Section 4 - Penalties of this Ordinance.
 - 3. DELETE Section 111. REPLACE with Section 5 - Stop Work Orders of this Ordinance.
 - 4. Section 1103.5.3. Insert: December 31, 2020
 - 5. That the geographic limits referred to in certain sections of the 2015 International Fire Code are hereby established as follows:
 - a. Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): All Residential, Planned Unit Development, Business, Mixed Use, Medical Business and Institutional Zones.
 - b. Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): All Residential, Planned Unit Development, Business, Mixed Use, Medical Business and Institutional Zones.

- c. Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): All Residential, Planned Unit Development, Business, Mixed Use and Institutional Zones.
- d. Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): All Residential, Planned Unit Development, Business, Mixed Use, Medical Business and Institutional Zones.
- i. 2019 National Fire Alarm and Signaling Code (NFPA 72) as published by the National Fire Protection Association in its entirety including Exhibit A - Fee Schedule.
 - 1. Section 26.6.3.3. AMENDED TO ADD – (4) IP Communications are permitted to be used as a single communication path so long as they are maintained with an accessory battery backup and meet all other provisions of this code.

SECTION 2. BE IT FURTHER ORDAINED BY the City of Sylacauga that any matters in said Codes which are contrary to existing Ordinances of the City of Sylacauga shall prevail and that said existing Ordinances are hereby repealed and, to that extent any existing Ordinances to the contrary are hereby repealed in that respect only.

SECTION 3. FEE REFUNDS. The Code Official or designated personnel shall authorize the request for refunding of permit fees as follows to be submitted to the City Council for approval:

- a. Refunds shall be requested by application. See Exhibit B - Application for Permit Fee Refund.
- b. The full amount of any fee paid hereunder which was erroneously paid or collected.
- c. Permits issued in accordance with Exhibit A - Fee Schedule shall be refunded at the rate of 80 percent to accommodate a 20 percent Administrative fee. The maximum Administrative fee is \$25.
- d. Refund request shall be done by written application filed by the original permittee not later than 180 days after the date of the fee payment.

SECTION 4. NOTICES AND ORDERS.

VIOLATION PENALTIES. Persons who shall violate a provision of this Ordinance 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**, punishable by a fine of not more than **\$500.00**, or by imprisonment not exceeding **365 days**, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offence. **This section replaces all penalties sections in all codes referenced in Section 1 of this Ordinance.**

Penalties for failure to secure required permits prior to beginning work during the same calendar year shall be as follows:

- a. First Offense: Permit fee shall be equal to double of permit fee.
- b. Second Offense: Permit fee shall be equal to triple of permit fee.
- c. Third Offense: Citation shall be issued in compliance and accordance with all requirements of the Sylacauga Municipal Court. Also, business license shall be revoked in accordance with Ordinance 2073, Section 20, Business License Ordinance. Future Owner Permits will not be allowed at that address
- d. Business license may be revoked on the first offense or any other stage if there is a history of violations. No future owner permits will be allowed at any address.

SECTION 5. STOP WORK ORDERS. Upon notice from the code official that work is being done contrary to the provisions of this ordinance or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, and/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 written notice prior to stopping the work. Any person who shall continue any work after having been served with a stop work order, whether written or verbal, except such work as that person is directed to perform to remove or remediate violations or unsafe conditions, shall be liable to a fine of not less than **\$50.00** or more than **\$500.00**.

SECTION 6. CONTRACTOR LICENSING. All contractors performing any installation, repair and/or alteration of roofs, plumbing/fuel gas systems, heating and air systems, refrigeration, electrical systems including low voltage and structural systems must have a City of Sylacauga business license and a be licensed by the State of Alabama where required.

SECTION 7. PERMITTING. Permits are required for the installation, additions, repair and alteration of structures, plumbing systems, fuel gas systems, HVAC systems, refrigeration, electrical systems to include low voltage, new or modifications to and fire sprinkler systems, fire alarms or fire suppression systems, new and replacement of signs, above ground and inground pools, and structural systems including carports and storage buildings and roofs. Permits are required for replacement of fixed appliances and systems; cord connected appliances are exempt from permitting.

SECTION 8. PROPERTY OWNER PERMITS. Owners of property, when acting as their own contractor and providing all material supervision, when building or improving on their own property for their occupancy or use and not offering improved property for sale for a period of one year from date of completion of permitted work may obtain an owner permit under the following conditions:

- b. Residential, Commercial or Accessory Structure: Shall provide building official with a site plan showing all setbacks. Provide all structural information and drawing of proposed build. A scaled hand drawing is acceptable in most cases.
- c. Swimming Pool – in or above ground: Shall provide building official with a site plan showing all proposed work; provide information on system to be installed.
- d. Electrical Line Voltage: Due to the inherent dangers of electrical installations, the electrical inspector shall examine and pass upon qualification, every owner that applies to install electrical systems on their own property. Any person holding a journeyman card shall be automatically deemed qualified to obtain an electrical permit.
- e. Electrical Low Voltage: No restrictions.
- f. Fuel Gas: No owner permits allowed. Qualified contractors only.
- g. Mechanical Installation: No restrictions.
- h. Commercial Plumbing: No restrictions on general plumbing; if any portion of the building requires air gap backflows or grease interceptors due to the inherent danger to the public utility system, those items must be sized and installed by a qualified, licensed plumber.
- i. Plumbing – Residential Dwelling: No restrictions.
- j. Plumbing – Residential Irrigation: Due to the inherent danger to the public water system, backflow to a stop must be installed by a qualified, licensed plumber. Owner may install irrigation system after backflow stop.
- k. Fire Alarm/Fire Sprinkler: Owner permits not allowed. Qualified contractors only.
- l. Owner shall provide any additional information to the Building Department as necessary to clarify the scope and location of work to be done.

SECTION 9. REVOCATION OR SUSPENSION OF OWNER PERMIT. An owner secured permit may be revoked or suspended (depending on the severity of the infraction) for any of the following infractions. Any suspension or revocation of an owner permit may be appealed to the Sylacauga Board of Adjustment and Appeals through the Appeals process within ten (10) days of Building Official's decision:

- a. Serious Life Safety infraction.
- b. Owner does not call for required inspections.
- c. Covering up work.
- d. Third reinspection for previous two fails on same item showing owner inability to perform or supervise code compliant work or multiple reinspections due to failed inspections over the course of the project.

A suspended permit will require a written plan of action from the owner before the permit can be reinstated. If the building office revokes the owner permit, the owner shall be required to employ a qualified, licensed contractor to make any corrections and complete the job.

SECTION 10. COMMERCIAL TENANT AND PROPERTY MAINTENANCE INSPECTIONS. Prior to issuance of a City of Sylacauga business license for a new business in an existing building, the following Existing Building inspections are required and any items that fall below minimum standards of these adopted codes must be corrected and reinspected. Temporary utilities must be on during the inspection. The following does not require a Commercial Occupancy Tenant Inspection: (a) Change in ownership of an existing business; (b) change in name of an existing business with no major changes to the business

- a. Life Safety

- b. International Property Maintenance Code
- c. Code Compliance Assessment for Intended Use.

SECTION 11. DEFINITIONS.

- a. **Board of Adjustment and Appeals** - An quasi-judicial board established to hear appeals from the Building Officials or Zoning Officials decisions. All decisions of the Board are final and shall only be appealed to the Circuit Court.
- b. **Building Official** – Any person employed by the City of Sylacauga to inspect structures, buildings, mobile homes, properties, technical trades for compliance with this ordinance. For the purpose of the ordinance, Building Official, Building Inspector, Inspector, Authority Having Jurisdiction, AHJ, Fire Inspector, Nuisance Officer, Ordinance Enforcement Officer may be commonly referred to as a Building Official.
- c. **Business License** - License issued by the City of Sylacauga that is required to perform work within the City Limits.
- d. **Contractor** - A building contractor with no state license performing residential work valued under \$10,000; commercial work valued under \$50,000; roofing work valued under \$2500.
- e. **Contractor's License** – License issued by contractor's respective licensure board.
- f. **Electrical Contractor** – A Contractor licensed by and in good standing with the Alabama Electrical Contractors Board.
- g. **Fuel Gas Contractor** – A Contractor licensed by and in good standing with the State of Alabama Plumbers and Gas Fitters Examining Board.
- h. **General Contractor** – A Commercial Contractor licensed by and in good standing with the Alabama Licensing Board for General Contractors.
- i. **Home Builder** – A Residential Contractor licensed by and in good standing with the State of Alabama Home Builders Licensure Board.
- j. **Low-Voltage Contractor** – Any Contractor installing communication wiring under the 2020 National Electrical Code (NFPA 70).
- k. **Mechanical Contractor** – A Contractor licensed by and in good standing with the Alabama Board of Heating, Air Conditioning & Refrigeration Contractors.
- l. **Plumbing Contractor** – A Contractor licensed by and in good standing with the State of Alabama Plumbers and Gas Fitters Examining Board.
- m. **Property Owner** – Person, Board Member or officer of the corporation that is listed on the deed and is the occupant in sole control of the building. (Leased or rented properties are not considered under sole control of the owner).
- n. **Qualified Owner** – An owner maintaining, at minimum, a Journeyman level qualification in the trade in which he wishes to do his own inherently dangerous (electrical) work or in the past five (5) years has held this qualification and is verifiable.
- o. **Residential Roofing Contractor** – A Residential Contractor licensed by and in good standing with the State of Alabama Home Builders Licensure Board to do residential roofing over \$2500.
- p. **Revoked Permit** – A permit for a project where a Stop Work Order has been issued where non-code compliant infractions have occurred that will require a qualified contractor to correct and complete the project.
- q. **Stop Work Order** – A notice issued on a project for a variety of reasons such as non-code compliant work, working without a permit or license if required.
- r. **Suspended Permit** – A permit for a project where a Cease Work Notice has been issued because of excessive non-code compliant infractions and will require a written action plan prior to reinstatement.
- s. **Vacant** - Any residential structure, commercial structure, manufactured home, tiny home or like structure that has been unoccupied or without utilities for a period of ninety (90) days or more.

SECTION 12. Right to Appeal. Decisions and determinations made by the building official that are felt to be in error may be appealed, in writing, by the permit holder to the Board of Adjustment and Appeals within 10 days of such decision by the Building Official. The Board has 31 days from receipt of request to hold a hearing. An application for appeal shall be based on a claim that the true intent of the adopted codes in this ordinance have been incorrectly interpreted, the

provisions of the adopted codes does not fully apply or that an equally good or better form of construction is proposed. The BOAAA shall not have the authority to waive any requirement of any adopted code by the governing body.

SECTION 13. The provisions of this Ordinance are severable. If any section, sentence or provision hereof shall be held by any Court of competent jurisdiction to be invalid for any reason, such holding shall not affect the remaining provisions of this Ordinance, which shall continue in full force and effect.

SECTION 14. All ordinances or parts of ordinances of the City of Sylacauga in conflict herewith are hereby repealed.

SECTION 15. That this ordinance and rules, regulation, provisions, requirements, orders and matter established and adopted hereby shall be effective immediately upon its adoption, approval and publication as required by law.

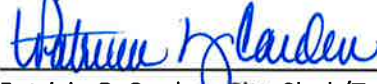
ADOPTED this 9th day of July, 2020.

**City of Sylacauga
A Municipal Corporation**



Lee Perryman, City Council President

TRANSMITTED TO MAYOR this 9th day of July, 2020.



Patricia G. Carden, City Clerk/Treasurer

ACTION BY MAYOR

APPROVED this 9th day of July, 2020.



James Heigl, Mayor

ATTEST:



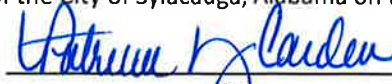
Patricia G. Carden, City Clerk/Treasurer

CERTIFICATION

STATE OF ALABAMA)
TALLADEGA COUNTY)

I, Patricia G. Carden, the duly appointed, qualified and acting City Clerk-Treasurer of the City of Sylacauga, Alabama, do hereby certify that the above document is a true and correct copy of Ordinance No. 2225-20, as adopted by the City Council of the City of Sylacauga, Alabama, at its rescheduled meeting held on the 9th day of July, 2020, the original of said document is on file and of record in my office in the Sylacauga Municipal Complex, in the City of Sylacauga, Alabama.

In witness whereof, I have hereunto set my hand and the official seal of the City of Sylacauga, Alabama on this the 9th day of July, 2020.



Patricia G. Carden, City Clerk-Treasurer
City of Sylacauga, Alabama

EXHIBIT A - FEE SCHEDULE

BUILDING, ELECTRICAL, PLUMBING, FUEL GAS, MECHANICAL, SWIMMING POOLS, SIGNS, AND FIRE ALARM, FIRE SUPPRESSION SYSTEMS

| TOTAL VALUATION | FEE |
|---|------------------|
| \$0.00 to \$5000.00 | \$40.00 flat fee |
| \$5001.00 + | \$40.00 + 0.25% |
| Change Orders calculated on added amount | 0.25% |
| Re-inspections 2nd and additional Re-inspections 3rd Re-inspection of any existing violation will require the license holder to be onsite. | \$60.00 |
| After hours inspections charged per hour/2 hour min.: | \$50.00 |
| Moving of Building or Structures: | \$40.00 |
| Demolition of Building or Structures: | \$5.00 |
| Installation and Placement of Manufactured Homes | \$40.00 flat fee |
| Installation and Placement of Manufactured Tiny Home | \$40.00 flat fee |
| Yearly Inspection of Manufactured Tiny Home | \$40.00 flat fee |
| No-Charge Permits: | |
| Non-Profits doing their own work, as an owner not using a contractor. | |
| Habitat for Humanity Permits for contractors donating labor and materials | |
| City Departments and City Board performing work on City Property or Board Property using employee or donated labor and donated materials. | |

Exhibit B - Application for Permit Fee Refund

City of Sylacauga
Code Enforcement Department
301 North Broadway Avenue, Sylacauga, AL 35150
(256) 401-2425

APPLICATION FOR REFUND OF PERMIT FEES

(YOU MUST ATTACH ORIGINAL RECEIPT OR FRONT AND BACK COPY OF CANCELLED CHECK)

DATE: _____

Applicant's name: (Please Print) _____

Phone No. (_____) _____ Cell No. (_____) _____

Address: _____

City: _____ State: _____ Zip Code: _____

Permit No. _____ Fee Paid \$ _____ Date Issued: _____

Type of Permit: _____

Job Location: _____

Explain reason for refund request: _____

Was any work performed: Yes _____ No _____ If yes, percentage of work performed: _____

Applicant's Signature: _____

FOR OFFICE USE ONLY

Departmental Report (Please Print): _____

Code Personnel (Print)

Code Personnel Signature

Fee Paid \$ _____

Less 20 Percent Administrative Fee (Building Permits)(\$25 Max.) \$ _____

Less \$25 Issuing Fee (Utility Permits) \$ _____

Less Plan Review Fee (Not Less than 50 Percent) \$ _____

TOTAL AMOUNT TO BE REFUNDED \$ _____