

## **ORDINANCE NUMBER 2329**

**AN ORDINANCE TO REPEAL ORDINANCE NUMBERS 12, 19, 19A, 19B, 19C, 57, 62, 96, 196, 207, 257, 560, 568, 569, 615, 616, 617, 618, 619, 645, 646, 647, 648, 742, 888, 895, 909, 936, 971, 972, 973, 974, 975, 1098, 1097, 1113, 1206, 1207, 1208, 1210, 1363, 1422, 1423, 1424, 1429, 1430, 1452, 1453, 1454, 1456, 1579, 1623, 1624, 1671, 1724, 1725, 1726, 1727, 1775, 1851, 1852, 1853, 1854, 1917, 1918, 1951, 2026, 2027, 2028, 2029, 2030, 2064, 2065, 2066, 2067, 2068, 2069, 2071, 2085, 2101, 2170, 2188, 2220, OF THE CITY OF VESTAVIA HILLS AND RE-ESTABLISHING CODES, REGULATIONS AND PROCEDURES FOR CONSTRUCTION AND BUILDING SAFETY IN THE CITY OF VESTAVIA HILLS; SETTING PERMIT FEES AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

### **ARTICLE I. ADMINISTRATION**

#### **Division I. Enforcement**

**(1) Applicability.**

Any person engaged in the construction industry such as, but not limited to, homebuilders, remodelers, commercial contractors and associated subcontractors such as electrical, plumbing, gas, mechanical, etc. Businesses whose work does not conform to the respective codes and ordinances of the City of Vestavia Hills, Alabama, or whose workmanship or materials are of inferior quality; shall, on notice from the Code Official or his authorized designee, make necessary changes or corrections at once so as to conform hereto. If work has not been so changed after the (10) days notice, the code official shall then refuse to issue any more permits until such work has fully complied with the codes and ordinances of the city. The Code Official may appear before the City Council and request that said contractor not be allowed to perform future projects in the city.

**(2) Powers and Duties of the Code Official and Inspectors.**

The Code Official of the Department of Building Safety shall enforce the provisions of this Ordinance and he or his duly authorized representatives or assistants may enter any building, structure or premises within the City to perform any duties imposed upon him by this Ordinance. It shall be the duty of the Code Official to inspect or cause to be inspected all code related installations, alterations or repairs and to enforce the provisions herein set forth.

**(3) Stop Work Orders.**

Upon notice from the Code Official, work on any system that is being done contrary to the provisions of this Ordinance or in a dangerous or unsafe manner 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, 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 in or about the structure 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 penalties as prescribed by law.

**(4) Inspections.**

The permit holder shall notify the Department of Building Safety at least twenty-four (24) hours in advance of an inspection, and no part of any work shall be concealed until after approval by the Code Official. The permit holder shall also be required to be on site for any inspection.

**(5) Employees**

An officer or employee connected with the department shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interests of the department.

**Division II. Business License**

Department of Building Safety employee shall investigate job sites to ensure that all contractors, subcontractors, laborers and other small businesses have proper, valid business licenses and have paid for the same.

**(1) Fraudulent Use.**

No person engaged in the business of construction work shall allow his name to be used by any other person, directly or indirectly, to obtain a permit or for the construction of any work under his name or license; nor shall he make any misrepresentations or omissions in his returns.

**(2) Revocation Generally.**

Any license issued by the Department of Building Safety may be revoked by the City Council. When the revocation of any such license is to be considered and voted upon by the Council at any regular meeting, the person to whom the license has been issued shall have at least three (3) business days notice in writing of the time and place of such meeting, together with a statement of the grounds upon which it is proposed to revoke

such license.

## **ARTICLE II. PERMITS**

### **(1) Application**

Any person who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building, tenant space, or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the codes listed in this Ordinance or to cause any such work to be done shall first make application to the Code Official and obtain the required permit.

### **(2) Plans.**

Whenever, in the opinion of the Department of Building Safety, an application for a permit does not indicate sufficient clarity or details to show definitely the nature and character of the work, the Code Official shall require plans and specifications, drawn to scale and in duplicate. Once reviewed, one (1) set shall be returned to the applicant, marked "reviewed" and one (1) set shall be retained and filed as a permanent record in the office of the Department of Building Safety. The applicant's reviewed set shall remain on the job at all times. Such information on plans and specifications shall be specific and this article shall not be cited as a whole or in part nor shall the terms "legal" or its equivalent be used as a substitute for specific information.

### **(3) Continuous Performance of Work.**

All permits issued under this Ordinance shall be valid for the continuous performance of the work permitted. Permits expire in accordance with City adopted codes for continuous work. When work ceases for a period of thirty (30) days and the exterior appearance is not complete, the permit shall be required to be renewed at one-half the original cost, unless written approval is granted by the Code Official and approved by the Mayor. However, in any case, the permit shall expire in ninety (90) days in the event the exterior appearance is not completed. The Code Official, after the ninety (90) days following recommendation from the Mayor, shall follow provisions to request that the property be declared a "Public Nuisance" pursuant to Alabama Law.

## **ARTICLE III. FEES**

**Building and Construction Permits, Electrical Permits, Fire Suppression System Permits, Plumbing & Gas Permits, Mechanical Permits, Irrigation Permits, Sign Building Permits, Low Voltage Permits, Relocate and Moving Permits**

- (1) For All Permits.** Valuation shall be determined by bona fide signed contracts or other evidence of cost as submitted by the owner or contractor, but in no event

shall be less than the most recent publication of the International Code Council Building Valuation Data Chart. The valuation cost shall include the total amount to complete the project including but not limited to painting, hardwood, tile, carpet, and non-structural items.

- (2) **Permit Fees.** The permit fee shall be: Nine dollars (\$9.00) for each one thousand dollars (\$1,000.00), or fraction thereof, of the contract or estimated cost, whichever is greater, plus forty-one dollars (\$41.00) issuance fee.
- (3) **Minimum Permit Fee.** The minimum permit fee shall be fifty dollars (\$50.00) including issuance fee.
- (4) **Re-inspection Rates:**

First Re-inspection	Free
Subsequent Re-inspection	\$50.00

Re-inspection fee shall be paid before the re-inspection is scheduled.

- (5) **Commercial Plan Review Fees.** This fee shall be paid at time of submittal. Plan review fee for commercial projects shall be as follows:

COMMERCIAL PLAN REVIEW SCHEDULE	
PROJECT VALUATION	FEE
\$ 0 - \$ 50,000	\$250.00
\$ 50,000 - \$ 100,000	\$500.00
\$ 100,000 - \$ 500,000	\$500 PLUS \$1.25/\$1,000 FOR EACH OF THE ESTIMATED VALUE OVER \$100,000
\$ 500,000 - \$ 1,500,000	\$1,000 PLUS \$.80/\$1,000 FOR EACH \$1,000 OF THE ESTIMATED VALUE OVER \$500,000
\$ 1,500,001 - \$3,000,000	\$1,800 PLUS .0012 OF THE ESTIMATED VALUE OVER \$1,500,000
\$ 3,000,001 - \$6,000,000	\$3,600 PLUS .005 OF THE ESTIMATED VALUE OVER \$3,000,000
\$ 6,000,000 and more	\$5,100 plus .00035 of the estimated value over \$6,000,000

- (6) **Residential Plan Review Fees.** The plan review fee for residential dwellings shall be as follows:

1. The plan review fee shall be \$100.00 for dwellings under 2,500 square feet

2. The plan review fee shall be \$125.00 for dwellings over 2,500 square feet
  3. A plan review fee shall be \$50.00 for Dwelling additions
  4. A plan review fee shall be \$25.00 for Dwelling renovation
  5. A plan review fee shall be \$100.00 for major renovation involving over 50% of the structure
- (7) **Double Permit Fee.** When work requiring a permit is commenced prior to obtaining a permit, the permit applicant shall be required to pay a penalty of one hundred dollars (\$100.00) plus a double permit fee. The payment of the required fee shall not relieve any person from fully complying with all of the requirements of all applicable regulations and codes, nor shall it provide relief from being subject to any of the penalties therein. The double fee requirements shall be applicable to all divisions of the Department of Building Safety as noted herein.
- (8) **Cancellation Fee.** A penalty of forty dollars (\$40.00) per scheduled inspection shall be assessed against any contractor, subcontractor, homeowner, etc., scheduling any inspection with the Department of Building Safety for inspections scheduled, but not canceled, as detailed below:
- (a) All morning inspection cancellations must be called in prior to 8:00 a.m. local time of the day of the scheduled inspection; and
  - (b) All afternoon inspection cancellations must be called in prior to 12:00 p.m. of the day of the scheduled inspection.
- (9) **Fee Refunds.** The code official shall authorize the refund of fees as follows:
- a. The full amount of any fee paid hereunder which was erroneously paid or collected
  - b. Not more than 100 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code, excluding a \$50.00 clerical fee
  - c. Not more than 100 percent 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, excluding a \$50.00 clerical fee

The Code Official will not authorize the refund of any fee paid, except upon written application filed by the original applicant no later than 180 days after the date of fee payment.

Other refund requests will be considered.

- (10) **Payment.** No permit shall be issued and no inspection shall be scheduled under this Ordinance until the fees prescribed in the preceding section shall have been paid; nor shall an amendment to a permit be approved until the additional fee, if any, shall have been paid.

## ARTICLE IV. TECHNICAL CODES

### Division I. International Building Code Adopted

- (1) A certain document, a copy of which is on file in the Office of the Department of Building Safety of the City being marked and designated as the *International Building Code*, 2009 edition, including appendix chapters A, B E, F, G, H, I, J and K, as published by the International Code Council, be and is hereby adopted as the *Building Code of the City of Vestavia Hills*, in the State of Alabama, for regulating and governing the conditions essential to provide that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Building Code* on file in the Office of the Department of Building Safety, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (2).
- (2) The following sections are added or hereby revised in its entirety to read as follows:

**101.1. Title.** These regulations shall be known as the *Building Code of the City of Vestavia Hills, Alabama*, hereinafter referred to as "this code."

**101.4.7 Electrical.** The provisions of the *National Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment appliances, fixtures, fittings and appurtenances thereto.

**105.2 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. Permits shall not be required for the following:

6. Sidewalks. not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of any accessible route
7. Painting

8. Temporary motion picture, television and theater stage sets and scenery
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems
11. Swings and other playground equipment accessory to detached one- and two-family dwellings
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height

**107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional present to section 107.1.1 where required by the City of Vestavia Hills. Where special conditions exist, the Code Official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The Code Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

**107.1.1 All Building Plans Shall Be Prepared by a Design Professional.** The design professional shall be an architect or engineer legally registered under the laws of the State of Alabama regulating the practice of architecture or engineering and shall affix his/her official seal to said drawings. Engineered plans shall be submitted for electrical, mechanical and plumbing work including specifications and accompanying data. All group occupancies excluding R-3 (single family homes) shall be designed by an architect.

**1011.1.1 Exit Signs.** Exit signs shall not be located more than 4 feet above the exit door.

**TABLE 1018.1**  
**CORRIDOR FIRE RESISTANCE RATING**

<b>REQUIRED FIRE-RESISTANCE RATING (hours)</b>			
<b>OCCUPANCY</b>	<b>OCCUPANT LOAD SERVED BY CORRIDOR</b>	<b>WITHOUT SPRINKLER SYSTEM</b>	<b>WITH SPRINKLER SYSTEM<sup>c,d</sup></b>
H-1, H-2, H-3	All	Not Permitted	1
H-4, H-5	Greater than 30	Not Permitted	1
A, B, E, F, M, S, U	Greater than 30	1	0 <sup>d</sup>
R	Greater than 10	Not Permitted	0.5
I-2 <sup>a</sup> , I-4	All	Not Permitted	0
I-1, I-3	All	Not Permitted	1 <sup>b</sup>

<sup>a</sup>For requirements for occupancies in Group I-2, See Sections 407.2 and 407.3.

<sup>b</sup>For a reduction in the fire-resistance rating for occupancies in Group I-3, See Section 408.8.

<sup>c</sup>Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 where allowed.

<sup>d</sup>Group A & E occupants in a building exceeding 3000 square feet gross area and/or buildings of any occupancy group occupied by two or more tenants with the Common path of egress travel is through corridors, lobbies, shafts or open vertical exit enclosures shall be protected with walls in accordance with Section 711 (smoke partitions)

**1210.2.1 Surrounding Material.** Tile or sealed masonry shall be required in Group A, E, M, and B occupancies. Approved alternate material may be used in business occupancies less than 1500 square feet in area.

**1612.3 Establishment of Flood Hazard Areas.** To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and support data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Vestavia Hills, Alabama," dated September 29, 2009, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard Map and Supporting Data as amended or revised are hereby adopted by reference and declared to be a part of this section.

**3412.2 Applicability.** Structures existing prior to July 16, 1952, in which there is work involving additions, alterations or changes of occupancy, shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancies in Group H or I.



## **Division II. International Energy Conservation Code Adopted**

The 2009 International Energy Conservation Code with officially approved revisions and changes thereto is hereby adopted by reference and incorporated as is set out and fully herein.

- (1) A certain document, a copy of which is on file in the Office of the Department of Building Safety of the City of Vestavia Hills, being marked and designated as the *International Energy Conservation Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the *Energy Conservation Code of the City of Vestavia Hills*, in the State of Alabama, for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Energy Conservation Code* on file in the Department of Building Safety, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section with the additions, insertions, deletions and changes, if any, prescribed in Section 2.
- (2) The following sections are added or hereby revised in their entirety to read as follows:

**101.1 Title.** This code shall be known as the *International Energy Conservation Code of the City of Vestavia Hills*, and shall be cited as such. It is referred to herein as “this code.”

**108.4 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 fined in accordance with section Article I.

## **Division III. International Existing Building Code Adopted.**

- (1) A certain document, a copy of which is on file in the office of the Department of Building Safety of the City of Vestavia Hills being marked and designated as the *International Existing Building Code*, 2009 edition, including Appendix Chapters A & B and Resource A as published by the International Code Council, be and is hereby adopted as the *Existing Building Code of the City of Vestavia Hills*, in the State of Alabama, for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Existing Building Code* on file in the Office of the City of Vestavia Hills are hereby referred to, adopted, and made a part hereof, as

if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

- (2) The following sections are added or hereby revised in its entirety to read as follows:

**101.1 Title.** These regulations shall be known as the *Existing Building Code of the City of Vestavia Hills*, hereinafter referred to as “this code.”

**1202.8 General.** A building or part of any building shall not be moved through or across any sidewalk, street, alley or highway within the corporate limits without first obtaining a permit from the Department of Building Safety.

**1202.8.1 Written Application.** Any person desiring to move a building shall first file with the Code Official a written application setting forth the following information:

1. Type and kind of building to be moved
2. The original cost of such building
3. The extreme dimensions of the length, height and width of the building
4. Its present location and proposed new location by lot, block, subdivision and street numbers
5. The approximate time such building will be upon the streets, and contemplated route that will be taken from present to new location

**1202.8.2 Permit Refusal.** If in the opinion of the Code Official, Engineering Department, or Police Department the moving of any building will cause serious injury to persons or property or serious injury to the streets or other public improvements, or the building has deteriorated more than 50 percent of its current value by fire or other element, or the moving of the building will violate any of the requirements of this code or of the zoning regulations, the permit shall not be issued and the building shall not be moved over the streets. Any building being moved for which a permit was granted, shall not be allowed to remain in or on the streets for more than 48 hours and shall not block any street, road or thoroughfare.

**1202.8.3 Bond Required.** The Code Official, as a condition precedent to the issuance of such permit, shall require a bond to be executed by the person desiring such removal permit with corporate surety to his satisfaction. Such bond shall be made payable to the City of Vestavia Hills for the amount of Ten Thousand Dollars (\$10,000.00). It shall indemnify the City against any damage caused by the moving of such building to streets, curbs, sidewalks, shade trees, highways and any other property which may be affected by the moving of a building. Such surety bond

shall also be conditioned upon and liable for strict compliance with the terms of said permit, as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay said applicable governing body as liquidated damages an amount not exceeding \$50.00 to be prescribed by the Code Official for each and every day of delay in completing such removal or in repairing any damages to property or public improvement or in clearing all public streets, alleys or highways of all debris occasioned thereby. The contractor shall provide Certificate of Liability Insurance in the amount of a \$1 million (\$1,000,000.00).

**1202.8.4 Notice of Permit.** Upon the issuance of said moving permit, the Code Official shall cause notice to be given to the Engineering Department, Chief of Fire and Chief of Police. The Engineering Department and Police Department shall set forth in all notices the route that will be taken, time started, and approximate time completion.

**1202.8.5 Public Safety Requirements.** Every building which occupies any portion of public property after sundown shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

There shall be a minimum of five red lights placed on each street side of the building. Such red lights shall be attached to the building in such a fashion as to indicate extreme width, height, and size.

In addition to the red lights on the building, flares shall be placed at regular intervals for a distance of 200 ft (61 m) up to the street on each side of the building.

When more than 50 percent of the street, measured between curbs, is occupied at night by the building, or when, in the opinion of the Code Official, flagmen are necessary to divert or caution traffic, the owner or person moving such building shall employ at his expense, two flagmen, one at each street intersection beyond the building. Such flagmen shall in accordance with City Ordinance and remain at these intersections diverting or cautioning traffic from sunset to sunrise. Red lights shall be employed in flagging traffic at night.

**1202.8.6 Improvements by Owner.** The owner of any house, building, or structure proposed to be moved shall make all necessary improvements required in order for said house, building or structure to comply with the requirements of this Code within 90 days from the date of the issuance of the moving permit. Extensions of such time as deemed reasonable may be granted by the Code Official upon a showing of delay caused by matters beyond the control of the owner or house mover. The application for the

moving permit, accompanied by complete plans and specifications showing the changes or conditions of said house, building, or structure as the same is proposed to be when moving, and all contemplated improvements, signed by the owner or the owner's agent.

**1301.2 Applicability.** Structures existing prior to July 16, 1952 in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 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.

#### **Division IV. International Residential Code Adopted.**

- (1) A certain document, a copy of which is on file in the office of the Department of Building Safety of the City of Vestavia Hills, being marked and designated as the *International Residential Code*, 2009 edition, including appendix chapters A, B, C, D, E, F, G, H, J, K, M, N, O and P as published by the International Code Council, be and is hereby adopted as the *Residential Code of the City of Vestavia Hills*, in the State of Alabama, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the Office of the Building Safety Department are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (2).
- (2) The following sections are added or hereby revised in their entirety 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 Vestavia Hills*, and shall be cited as such and will be referred to herein as "this code."

**R105.2 Work Exempt From Permit.** Exemption 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. Permits shall not be required for the following:

Building:

5. Sidewalks
6. Painting, papering, flooring, and carpeting
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep
8. Swings and other playground equipment

**Table R301.2(1)**  
**CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN		SIESMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>h</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>					
5 psf	90	No	B	Moderate	12 in.	Very Heavy	21°F	No	(a) 3-1-1998 (b) 9-29-2006	96	62°F

**R302.6.1 Alternate provisions.** As an alternate to R302.6, the structure shall be protected by an approved NFPA 13d fire sprinkler system. Installation of said system shall be approved by the Fire Marshal. Sprinkler heads shall be installed in the following locations:

1. Two sprinkler heads in attached garages and basements in each automobile parking space
2. One sprinkler head over each water heater and furnace area if located in basement or garage
3. Two sprinkler heads in the kitchen
4. One sprinkler head in-laundry rooms
5. Unsprinklered areas of the basement must be separated from the garage with 1/2" gypsum wallboard applied to the garage side and with opening protection as required by Section R302.5.1

**R313.2 One-and Two-Family Dwellings Automatic Fire Systems.** This section shall be deleted in its entirety.

**R314.3 Smoke Alarms.** Smoke alarms shall be installed in the following locations:

1. In each sleeping room
2. Outside each separate sleeping area, in the immediate vicinity of the bedrooms
3. On each additional story of the dwelling including stairway access attics
4. In each garage and subdivided basement area

When more than one smoke alarm is required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in

the individual dwelling.

**R401.1 Application.** The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings to include extensive renovations and the addition of stories to an existing structure. Existing footings for additional stories shall comply with section R403.1.1.1. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding as established by Table R301.2 (1) shall meet the provisions of Section R322. Wood foundations shall be designed and installed in accordance with AF&Pa PWF.

Exception: The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:

1. In buildings that have no more than two floors and a roof
2. When interior basement and foundations wall are constructed at intervals not exceeding 50 feet (15 240mm)

Wood foundations in Seismic Design Category D<sup>o</sup>, D<sup>1</sup>, D<sup>2</sup>, shall be designed in accordance with accepted engineering practice.

**R401.4.3 Foundation.** Footings and foundations for new constructions and additions installed on a lot or parcel that has an average grade slope exceeding 1/3 shall be designed by a State of Alabama licensed engineer. A geotechnical engineer shall be required to evaluate the site and inspect the footings and foundations.

**R403.1.1.1 Minimum Size Required on All Footings.** The minimum size for concrete footings and reinforcement shall be:

- |                       |  |
|-----------------------|--|
| Exterior Walls:       | 10" thick by 24" width with 2 #4 rods continuous |
| Interior Piers:       | 12" thick by 24" square width with 4 #4 rods     |
| Interior Grade Beams: | 8" thick by 18" width with 2 #4 rods continuous  |

**R612.2 Window Sills.** In *dwelling* units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished *grade* or surface below, the lowest part of the clear opening of the window shall be a minimum of 24 inches (610 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4-inch (102 mm) diameter sphere where such openings are located within 24 inches (610 mm) of the finished floor.

Exceptions:

1. Windows whose openings will not allow a 4-inch-diameter (102 mm) sphere to pass through the opening when the opening is in its largest

- opened position
2. Openings that are provided with window fall prevention devices that comply with Section R612.3
  3. Openings that are provided with fall prevention devices that comply with ASTM F 2090
  4. Windows that are provided with opening limiting devices that comply with Section R612.4
  5. Window replacement in existing habitable structures

**R1004.1 General.** Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL 127. Factory-built fireplace mantel and trim woodwork clearances shall comply with Table R1001.1 (view section R1001.11 exp. 4). Factory built vented fireplaces installed in bedrooms must be protected with a glass door assembly, a carbon monoxide detector, and an automatic gas shutoff device. Factory-built unvented fireplaces shall not be installed in bedrooms.

**R1004.2 Hearth Extensions.** Hearth extensions of approved factory-built fireplaces shall be installed in accordance with the listing of the fireplace. The hearth extension shall be readily distinguishable from the surrounding floor area. Factory-built fireplace minimum hearth extension dimensions shall comply with Section R1001.10.

**P2603.6.1 Sewer Depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of 6 inches (152 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 6 inches (152 mm) below grade.

**P2801.8 Water Heaters Installed in Attics.** Attics containing a water heater shall be provided with an opening and unobstructed passageway large enough to allow removal of the water heater. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length when measured along the centerline of the passageway from the opening to the water heater. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the water heater. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm) where such dimensions are large enough to allow removal of the water heater. An automatic shutoff valve and water sensor shall be installed to protect rooms below.

**P2803.6.1 Requirements for Discharge Pipe.** The discharge piping serving a pressure relief valve, temperature relief valve or combination

valve shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed to flow by gravity.
10. Not terminate more than 6 inches (152 mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of the piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section P2904.5 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Not have more than four 90 degree bends and not to exceed 30 feet in length.

**P3103.1 Roof Extension.** All open vent pipes which extend through a roof shall be terminated at least 6 inches (152 mm) above the roof or 3 inches (76 mm) above the anticipated snow accumulation, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet (2134 mm) above the roof.

**P3114. Installation of Air Admittance Valves.** The air admittance valves shall be approved by the Code Official before installation. The valves shall not be used in new construction or additions where a vent thru the roof is available. If the valve is approved, it shall be installed in accordance with the requirements of this section and the manufacturer's installation instructions. Air admittance valves shall be installed after the DWV testing required by Section 312.2 or 312.3 has been performed.

**AG105.1.1 Swimming Pools.** The permit holder for the installation of a swimming pool shall be required to comply with section AG 105 Barrier Requirements.



**Division V. International Plumbing Code Adopted.**

- (1) The 2009 *International Plumbing Code*, including appendix C and F with officially approved revisions and changes thereto, is hereby adopted by reference and incorporated as if set out fully herein.
- (2) The following sections are added or hereby revised in its entirety to read as follows:

**101.1 Title.** These regulations shall be known as the *International Plumbing Code of the City of Vestavia Hills* hereinafter referred to as “this code.”

**106.6.2 Fee Schedule.** See ARTICLE III. FEES.

**108.4 Violation Penalties.** See ARTICLE I ADMINISTRATION.

**108.5 Stop Work Orders.** See ARTICLE I ADMINISTRATION.

**305.6.1 Sewer Depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of 6 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 6 inches below grade.

**904.1 Roof Extension.** All open vent pipes that extend through a roof shall be terminated at least 6 inches above the roof, except where a roof is to be used for any purpose other than weather protection. Then the vent extensions shall be run at least 7 feet (2134mm) above the roof.

**917.2. Installation of Air Admittance Valves.** The air admittance valves shall be approved by the Code Official before installation. The valves shall not be used in new construction or additions where a vent thru the roof is available. If the valve is approved, it shall be installed in accordance with the requirements of this section and the manufacturer’s installation instructions. Air admittance valves shall be installed after the DWV testing required by Section 312.2 or 312.3 has been performed.

**Division VI. International Mechanical Code Adopted.**

- (1) The 2009 *International Mechanical Code*, with officially approved revisions and changes thereto, is hereby adopted by reference and incorporated as if set out fully herein.
- (2) The following sections are added or hereby revised in its entirety to read as follows:

**101.1 Title.** These regulations shall be known as the *Mechanical Code of the City of Vestavia Hills*, hereinafter referred to as “this code.”

**106.5.2 Fee Schedule.** See ARTICLE III. FEES.

**108.4 Violation Penalties.** See ARTICLE I ADMINISTRATION.

**108.5 Stop Work Orders.** See ARTICLE I ADMINISTRATION.

**Division VII. International Fuel Gas Code Adopted.**

(1) The 2009 *International Fuel Gas Code*, with officially approved revisions and changes thereto, is hereby adopted by reference and incorporated as is [if] set out and fully herein.

(2) The following sections are added or hereby revised in its entirety to read as follows:

**101.1 Title.** These regulations shall be known as the *Fuel Gas Code of the City of Vestavia Hills*, hereinafter referred to as “this code.”

**106.6.2 Fee Schedule.** See ARTICLE III. FEES.

**108.4 Violation Penalties.** See ARTICLE I ADMINISTRATION.

**108.5 Stop Work Orders.** See ARTICLE I ADMINISTRATION.

**Division VIII. National Electrical Code Adopted**

The 2008 *National Electrical Code*, with officially approved revisions and changes thereto, is hereby adopted by reference, and incorporated as if set out fully herein.

**(1) Exceptions to Permit Requirements.**

No permit shall be required for the following installations or repairs:

- (a) Minor repairs
- (b) The installation of wiring, devices or equipment for telephone, telegraph, district messenger or telautograph systems, or any signaling systems (other than commercial radio systems) operating at fifty (50) volts or less when installed by a public utility subject to regulations as such by the Alabama Public Service Commission
- (c) For the installation, maintenance or repair of electrical service of a public utility corporation regulated by the Alabama Public Service Commission

**(2) Unsafe Electrical Installations--Generally.**

All electrical installations, regardless of type, which are unsafe or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally in contemplation of this section, Unsafe Electrical Installations. All such unsafe electrical installations are hereby declared illegal and shall be abated by repair or removal. Where, in the opinion of the Code Official, the hazard involved is sufficient to warrant disconnection of electricity, he shall then disconnect or order the utility company to disconnect immediately.

**(3) Existing Installations.**

The Department of Building Safety shall inspect or cause to be inspected at regular intervals existing electrical installations in all buildings where a high life hazard exists, such as places of public assembly and education occupancies.

**(4) Qualification of Electricians.**

Any person who desires to install electrical wiring within the City that is not exempt from a permit shall produce good and sufficient evidence to the Code Official that he/she is competent to do the work. Sufficient evidence shall be one of the following:

1. Master electrical license from The State of Alabama
2. Master electrical license from City of Birmingham, Alabama
3. Master electrical license from Jefferson County, Alabama
4. Master electrical license from Shelby County, Alabama

**(5) Electrical Permit--Required.**

No person or homeowner shall install any wiring, device or equipment for the transmission, distribution or utilization of electrical energy for light, heat, power or radio, or the alteration, repair or addition to any existing wiring, the installation of which is regulated by this article, or shall cause any such work to be done, without first making application to the Department of Building Safety and obtaining a permit. Only competent individuals with sufficient evidence under "Qualification of Electricians" shall be permitted to perform electrical work within the City of Vestavia Hills.

**(6) Copper Wiring**

Copper wiring shall be used within a structure in the city, including wiring of ranges, washing machines and dryer circuits, with the exception that aluminum conductors may be used from the meter socket to the panel.

**(7) Emergency Backup Power.**

- (1) *[Required.]* Emergency backup power will be required in all new buildings built under the International Building Code for retirement and assisted living establishments and Institutional Group I-1, I-2, I-3, I-4 [day care] and all residential R2 that are classified independent senior living; and
- (2) *[Capabilities.]* All backup power shall have the capability to handle all emergency life safety equipment listed in the International Building and Fire Codes including, but not limited to:
  - (a) Emergency lighting
  - (b) Exit lights
  - (c) Telephone system
  - (d) Fire alarm systems
  - (e) Minimum one (1) elevator egress for facilities two (2) stories or more
  - (f) Room smoke detectors or corridor smoke detectors
  - (g) Means of illuminated egress [corridors and stairs]
  - (h) Standby power shall be permanently installed and capable of automatic transfer without loss of services other than transfer time and approved for location
  - (i) One (1) heated area in a central area for cold weather emergencies
- (3) *[Installation and maintenance.]* All requirements must meet the most recently adopted International Building and Fire Codes for installation and maintenance requirements; and
- (4) *[Exception.]* An exception shall be granted to I-4 [day care] occupancies with written and implemented policies in place for emergency pickup; and
- (5) *[Remedial compliance.]* Emergency backup power will be required in all existing retirement and assisted living establishments including institutional group I-1, I-2, I-3, I-4 [day care] and all residential R2 that are classified independent senior living. The Ordinance creating this section [Ordinance Number 2080] is hereby declared to be remedial with compliance required within three (3) years of the effective date of this section [March 7, 2005].
- (6) *[Violation penalties.]* Persons 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, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (7) *[Abatement of violation.]* In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

## **ARTICLE V. SCHOOL BUILDINGS**

### **(1) Scope**

This article shall apply to all nursery schools, kindergartens and private schools of every type or kind at which students under the age of twenty-one (21) years are taught or cared for within the City, all of which are collectively referred to in this article for convenience as "private schools." Excluded from such term and from the operation of this article are schools operated by any agency of the City, the County or the State.

### **(2) Ordinances Applicable**

The heating system, gas fixtures, gas piping, electrical wiring, electrical fixtures and plumbing fixtures and pipes in every structure in which a private school is operated shall meet and comply with all of the provisions and requirements of any ordinance of the City applicable to new construction of such type of facility.

### **(3) Sewer Connection**

All structures in which a private school is already in operation as of December 21, 1970, shall be connected with a sanitary sewer, provided that such sewer at a usable elevation is adjacent to the premises on which such structure is located or within three hundred (300) feet of such premises. Other private school structures shall be connected to such sewer within ninety (90) days of the date the same is so extended.

### **(4) Failure to Connect**

No private school shall be operated unless the structure in which it is located is connected to a sanitary sewer as required in this article.

## **ARTICLE VI. WALLS AND FENCES**

### **(1) Compliance for Structural Alteration of Walls or Fences.**

No wall or fence shall be erected, installed, constructed or otherwise structurally altered in the City except in strict compliance with the terms and provisions of this article.

**(2) Procedure and Requirements for Building Wall or Fence.**

Any person, firm, corporation, partnership or other entity desiring to build a wall or fence on any property located within the corporate City limits of the City shall follow the procedure and comply with the requirements set forth in paragraphs (1) through (5) below:

- (a) No wall or fence shall be erected, installed, constructed or otherwise structurally altered on any property within the city until a permit is issued by the City except when included as part of any building permit
- (b) No permit shall be issued by the City until such time as the Department of Building Safety has approved the plans and specifications for the wall or fence
- (c) No approval for the issuance of a permit shall be made until such time as the Code Official has approved the plans and specifications for the erection, installation, construction or structural alteration of the wall or fence
- (d) The person, firm, corporation, partnership or other entity applying for a permit shall submit plans and specifications for the erection, installation, construction or structural alteration of the wall or fence. The plans and specifications shall include the following:
  - 1. A map or survey of the lot upon which the wall or fence will be located
  - 2. The location of the wall or fence on the property
  - 3. The dimensions of the wall or fence, including the height, width and length
  - 4. Estimated cost
  - 5. List and description of materials to be used
- (e) No wall or fence shall be erected, installed, constructed or otherwise structurally altered unless the material utilized therefor is such that the grade, appearance, and quality of said material is the same on all sides, including the front and back.
- (f) No wall or fence shall be located in the right-of-way.

## **ARTICLE VII. REPEALER**

This Ordinance shall repeal Ordinance Numbers 12, 19, 19A, 19B, 19C, 57, 62, 96, 196, 207, 257, 560, 568, 569, 615, 616, 617, 618, 619, 645, 646, 647, 648, 742, 888, 895, 909, 936, 971, 972, 973, 974, 975, 1098, 1097, 1113, 1206, 1207, 1208, 1210, 1363, 1422, 1423, 1424, 1429, 1430, 1452, 1453, 1454, 1456, 1579, 1623, 1624, 1671, 1724, 1725, 1726, 1727, 1775, 1851, 1852, 1853, 1854, 1917, 1918, 1951, 2026, 2027, 2028, 2029, 2030, 2064, 2065, 2066, 2067, 2068, 2069, 2071, 2085, 2101, 2170, 2188, and 2220. Also, all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed

## **ARTICLE VIII. PENALTIES**

Any person 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 reviewed 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 and shall, upon conviction, be punished in accordance with Title 11-45-9, Code of Alabama.1975 for a misdemeanor offense. Each day that a violation continues after due notice shall constitutes a separate offense.

## **ARTICLE IX. SEVERABILITY**

If any part, section, or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

## **ARTICLE X. EFFECTIVE DATE**

The provisions of this Ordinance Number 2329 shall become effective immediately upon the passage and approval thereof by the City Council of the City of Vestavia Hills, Alabama, and the publication and/or posting thereof as required by Alabama law.

**DONE, ORDERED, ADOPTED and APPROVED** this the 22<sup>nd</sup> day of March,  
2010.

Mary Lee Rice  
Council President

ATTESTED BY:

Rebecca Leavings  
City Clerk

APPROVED BY:

Alberto C. Zaragoza  
Mayor

**CERTIFICATION:**

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2329 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 22<sup>nd</sup> day of March, 2010, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Public Library and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Rebecca Leavings  
City Clerk