

ORDINANCE NUMBER 8-10

AN ORDINANCE AMENDING SECTION 5-26 OF THE
CODE OF ORDINANCES RELATING TO
AMENDMENTS
TO CERTAIN CODES ADOPTED BY THE CITY

WHEREAS, the City of Clanton, Pursuant to the authority granted cities and towns by section 11-45-8 Code of Alabama, 1975, there is hereby adopted that certain code printed in book or pamphlet form known as follows:

2009 International Building Code (IBC)
2009 International Residential Code (IRC)
2009 International Mechanical Code (IMC)
2008 National Electrical Code (NEC)
2009 International Plumbing Code (IPC)
2009 International Fuel Gas Code (IFGC)
2009 International Fire Code (IFC)
2009 International Property Maintenance Code (IPMC)
2009 International Existing Building Code (IEBC);

WHEREAS, the City wishes to make certain amendments to these adopted codes; and

WHEREAS, the City Council enacts this ordinance in connection with its powers granted by § 11-45-1, § 11-43-59, and § 11-45-8(c) of the *Code of Alabama*, among other authorities.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLANTON, ALABAMA while in regular session on August 9, 2010 at 5:00 p.m., as follows:

Section 1. Section 5-26 of the Code of Ordinances of the City of Clanton, Alabama is hereby amended in its entirety so as to read as follows:

Section 5-26. Amendments.

The codes adopted in Section 5-26 are amended as follows:

AMENDMENT 1. General inserts and modifications.
The following sections are hereby revised and/or modified:

Section 101.1 in the following: 2009 International Fire Code, 2009 International Building Code (IBC), 2009 International Residential Code (IRC) (with respect to Section R101.1), 2009 International Mechanical Code (IMC), 2009 International Plumbing Code (IPC), 2009 International Fuel Gas Code (IFGC), 2009 International Property Maintenance Code (IPMC), and 2009 The International Existing Building Code (IEBC).

Insert: CITY OF CLANTON.

Section 103.1 in the following: 2009 International Building Code (IBC), 2009 International Residential Code (IRC) (with respect to Section 103.1), 2009 International Mechanical Code (IMC), 2009 International Plumbing Code (IPC), 2009 International Fuel Gas Code (IFGC), 2009 International Property Maintenance Code (IPMC), 2009 The International Existing Building Code (IEBC), will be changed from: the department of building safety, the department of plumbing inspection, the department of property maintenance inspection, the department of inspection, and the department of mechanical inspection, to: "The Building Department."

Article 100 of the 2008 National Electrical Code (NEC) refers to an "Authority Having Jurisdiction." The Building Official or any of his/her designees, shall be included within the definition of an "Authority Having Jurisdiction."

AMENDMENT 2.

The 2009 International Building Code (including Section 113); the 2009 International Property Maintenance Code (including Section 111); the 2009 International Fire Code (including Section 108); the 2009 International Existing Building Code (including Section 112); the 2009 International Mechanical Code (including Section

109); the 2009 International Fuel Gas Code (including Section 109); the 2009 International Residential Code (including Section R112); and the 2009 International Plumbing Code (including Section 109) refer to a "board of appeals." All such references shall relate to the City of Clanton Code Enforcement Board of Appeals. The provisions in this Amendment 2 shall supersede any contradictory and irreconcilable provisions in the above-referenced codes, as the same relate to a board of appeals and the operation or decisions thereof.

(a) **Establishment.** There is hereby established the "City of Clanton Code Enforcement Board of Appeals" (referred to herein as the "Board"). The Board shall exercise the powers as set forth herein and in the respective codes adopted by the City and referenced in this Amendment 2.

(b) **Membership of Board.** The Board shall consist of five persons appointed by the City Council to serve for a term of three years, except that the City Council shall upon first appointing members to the Board modify the length of the initial terms so as to ensure the members serve staggered terms. Each new member shall serve for three years or until a successor has been appointed. No member of the Board may be an employee of the City. The Building Official, or his designee, shall be an ex officio member of said board but shall have no vote on any matter before the Board. The City Council shall appoint two alternate members who shall be called by the Board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall be appointed for three years, or until a successor has been appointed. The City Council may remove any member of the Board at any time in its sole discretion, and appoint another person to serve during his/her remaining term. Members of the Board shall not be compensated for their services as members of the Board.

(c) **Rules and Procedures.** The Board is authorized to establish policies and procedures necessary to carry out its purpose as set forth in the respective codes adopted by the City and referenced in this Amendment 2. The Board may adopt and make available to the public through the secretary procedures under which a hearing shall be conducted. The procedures will not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(d) **Chairperson.** The Board shall annually select one of its members to serve as chairperson.

(e) **Disqualification.** A member of the Board shall not hear an appeal in which that member has a personal, professional, or financial interest.

(f) **Secretary.** The chairperson shall designate a qualified clerk to serve as secretary to the Board. The secretary shall file a detailed record of all proceedings in the office of the Building Official.

(g) **Meetings.** The Board shall meet upon notice from the chairperson, within thirty (30) days of the filing of an appeal or at regular, periodic meetings as may be established by the Board.

(h) **Postponement.** Five members must be present to hear an appeal. When five members are not present to hear an appeal, the hearing shall be postponed.

(i) **Appeal.** An application for appeal of a notice of violation shall be filed on a form obtained from the building inspector within twenty (20) days after the notice of violation was served.

(j) **Board decision.** The Board shall modify or reverse the decision of the Building Official by a concurring vote of a majority of its members. The Building Official shall take immediate action in accordance with the decision of the Board.

AMENDMENT 3.

The International Residential Building Code, 2009 edition, Code Section R313, concerning Automatic Fire Sprinkler Systems, shall be deleted in its entirety. The deletion of this Section R313 shall supersede any contradictory and irreconcilable provisions in any code adopted as stated in Section 5-26 of the Code of Ordinances.

AMENDMENT 4.

Permit Fees. All references to fees shall mean the "City of Clanton – Schedule of Permit Fees". On new buildings, structures, alterations, additions, or modifications to existing buildings or structures, a permit fee shall be paid as required, in accordance with the schedule established in Section 5-26 of the Code of Clanton, Alabama.

TOTAL VALUATION

1. Determining the Valuation of a Detached Single-Family Dwelling.
 - a. The actual contract price or sum of contracts shall be used in determining the valuation of the detached single-family dwelling.
 - b. Exceptions.

Provided that the minimum price of \$65.00 per square foot of heated area plus \$30.00 for all unheated areas, porches, balcony, garages, etc be used in determining the valuation of a single-family detached building.

- c. All Buildings Excluding Single-Family Dwelling.

All buildings, other than single-family detached, shall have their values taken from the actual contract price, Or the sum of contracts.

- d. All valuations of \$2000.00 (two thousand dollars) or less shall have a minimum fee of \$20.00 (twenty dollars)

2. Penalties.

Where work for which a permit is required by the 2009 International Building Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirements of the code in the execution of the work nor from any other penalties prescribed herein.

Section 2. That all other ordinances of the City of Clanton, Alabama, or parts of ordinances in conflict herewith are hereby repealed.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The city of council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance or in the residential code Hereby adopted shall be construed to affect any suit or proceeding Impending in any court, or any rights acquired, or liability incurred, or Any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in section 2 of this ordinance; nor shall any just or legal right or remedy of any character to be lost, impaired or affected by this ordinance.

Section 5. That the City Clerk is hereby ordered and directed to cause this ordinance to be published.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

Read, approved and adopted on this the 9th day of August, 2010.

CITY OF CLANTON, ALABAMA,
A municipal corporation

BY: Billie Joe Driver
Mayor

Authenticated:

Delia Orange
City Clerk