

TECHNICAL CODE OF THE CITY OF BIRMINGHAM, 2024

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CITY OF BIRMINGHAM
Technical Code
2024 Edition

ARTICLE I

PART 1

(a) Building The provisions of the International Building Code 2021 Edition published by International Code Council as amended in Article II shall apply to the construction, alteration, 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.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *International Residential Code*.
2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall comply with the *International Existing Building Code*.
3. Both the 2021 International Codes and *NFPA 101- Life Safety Code* requirements in Chapters 14, 15, 16 and 17 shall be enforced for Educational and Daycare Occupancies. Where discrepancies occur between the codes, the most restrictive shall apply.

(b) Residential Construction The provisions of the *International Residential Building Code*, 2021 Edition, published by International Code Council shall apply to the construction, alteration, repair, equipment, use and occupancy, location, and maintenance of every building or structure or any appurtenances connected or attached to such buildings or structures as amended in Article III.

Exception:

1. References to the *ICC Electrical Code* contained in the *International Residential Code* or the *International Building Code* shall not apply to residential construction.

(c) Plumbing The provisions of the *International Plumbing Code*, 2021 Edition, published by International Code Council shall apply to every plumbing installation, including alterations,

repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances within the City.

Exception:

1. Any boiler or Pressure vessel subject to inspection by federal or state inspectors.

(d) Gas The provisions of the *International Fuel Gas Code*, 2021 Edition, published by International Code Council shall apply to all gas piping installations on the consumer's premises from the outlet side of the utility company meter to the most remote point of use or outlet, including all alterations, repairs, equipment, appliances, ranges, fixtures, fittings and appurtenances thereto within the City of Birmingham when connected to a gas distribution system except residential gas ranges, gas lights and outside gas fired grills. These requirements are intended to cover the design, fabrication, installation, test, and operation of such systems for fuel gases as natural gas, manufactured gas, undiluted liquefied petroleum gases, liquefied petroleum gas-air or mixtures thereof. They are not intended to cover systems or portions of systems supplying only equipment engineered, designed, and installed for specific manufacturing production processing and power generating applications such as large and high-pressure boilers, melting and treating furnaces, production ovens, etc., or for public utility piping and gas distribution and transmission systems on the inlet side of utility company meters or in gas compressing stations and in gas processing plants. The applicability of installation requirements of this Code shall be determined by the Building Official and the said Building Official may require such systems to be designed by a licensed professional engineer.

(e) Electrical The provisions of the *National Electrical Code*, 2020 Edition, published by National Fire Protection Association, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(f) Mechanical The provisions of the *International Mechanical Code*, 2021 Edition, published by International Code Council shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems. Provisions are not intended to cover systems or portion of systems supplying only equipment engineered, designed, and installed for specific manufacturing production processing and power generating applications. The applicability of installation requirements of this Code shall be determined by the Building Official and said Building Official may require such systems to be designed by a licensed professional engineer.

(g) Fire The provisions of the *International Fire Code*, 2021 Edition, published by the International Code Council and amended in Articles II and VII herein shall apply to all buildings, structures, vehicles, premises, conditions, the construction, alteration, 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. The provisions of the *NFPA 101-Life Safety Code*, 2021 Edition, published by the National Fire Protection Association and amended in Article II and VI herein shall apply to the specific occupancies where they occur in any building, structure, vehicle, premise, conditions, the construction, alteration, repair, equipment, specified use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures.

(h) **Energy Conservation Code 2021 edition.** This code shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. This code is intended to provide flexibility to permit use of innovative approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirement contained in other applicable codes or ordinances. See Article II Chapter 13 for compliance method.

(i) **Existing Buildings.** The provisions of the 2021 International Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

(j) **Property Maintenance Code.** The provisions of the 2021 International Property Maintenance Code shall apply to all residential and nonresidential structures and all existing premises in the City of Birmingham. The Property Maintenance Code shall constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance.

PART TWO

Chapters 1 of the 2021 editions of International Building, Plumbing, Fuel Gas, Fire, Existing Building, Residential, Mechanical, and Energy Conservation Codes, are hereby deleted and the following Chapter 1 is substituted thereof:

CHAPTER 1 ADMINISTRATION

101 TITLE AND SCOPE

101.1 Title

The provisions of the following Articles, Chapters and Sections shall constitute, be known, and be cited as the “Technical Code of the City of Birmingham, 2024”, hereinafter known as “this Code”.

101.1.1 Purpose. The purpose of this Chapter is to provide for the administration and enforcement of the International Building, Fuel Gas, Mechanical, Fire, Plumbing, Residential, Existing Building, Energy Conservation, and the National Electrical Codes.

101.2 Code Remedial

101.2.1 General. This Code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire, explosions and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, elevator, fire protection, mechanical, and plumbing systems, which may be referred to as service systems.

101.2.2 Quality Control. Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein.

101.2.3 Permitting and Inspection. The inspection or permitting of any building, system, or plan by any jurisdiction, under the requirements of this Code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system, or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

101.3 Scope

101.3.1 Federal and State Authority. 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 which it had on the effective date of the adoption of this Code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

101.3.2 Appendices. To be enforceable, the appendices included in this Code must be referenced in the Code text or specifically included in Articles II through VI herein.

101.3.3 Referenced Standards. Standards referenced of this Code shall be considered an integral part of the Code without separate adoption. If specific portions of a standard are denoted by Code text, only those portions of the standard shall be enforced. Where Code provisions conflict with a standard the Code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

101.3.4 Maintenance. All buildings, structures, electrical, gas, fire protection, elevator, escalator, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his/her designated agent, shall be responsible for the maintenance of buildings,

structures, fire protection, elevator, escalator, electrical, gas, mechanical and plumbing systems. Inspections of existing buildings, by the Fire Official for maintenance, are conducted according to the NFPA 101 Life Safety Code, 2021 editions, and the 2021 IFC but any issues requiring construction, permitting & plans review will be governed by the ICC.

101.3.5 Plumbing Installation or Maintenance by Homeowner. Nothing in this Code shall prevent any owner of single-family home from installing or maintaining plumbing within his/her own property boundaries, provided such plumbing work is done by himself/herself and is used exclusively by him/her and his/her family and, also, provided that such plumbing work does not necessitate repair, alteration or direct connection to soil, waste, or drain lines on the outlet side of a trap. Such privilege does not convey the right to violate any of the provisions of this Code, or the terms of any state statute or any other applicable ordinance of the City of Birmingham, nor is it to be construed as exempting any such property owner from obtaining a permit with the applicable inspections and paying the required fees, therefore.

101.3.6 Conflict of codes and standards. The International Codes shall be the construction codes with sections herein listed from the *NFPA 101- Life Safety Code*, 2021 ed., being used in conjunction with the ICC family of codes.

- a) Any building or portion thereof used for less than 24 hours per day where occupants (regardless of age) requiring care, maintenance, and supervision by other than their relatives shall be defined as a Day Care Occupancy. Day-care occupancy provisions of Life Safety 2021, Chapter 16 and 17, shall apply for all new and existing occupancies. Location and construction type limitation requirements for Day-care occupancies, shall meet the appropriate regulations as set forth by the 2021 International Building Code. Those classifications listed in the 2021 International Building Code that are not addressed in the 2021 Life Safety Code will also be added as Sub-classifications.
 - Exception: This would not include occupancies that are a part of the health care classification or places of worship during religious functions.
- b) Both the International Codes and NFPA 101- Life Safety Code requirements of Chapters 14, &15, shall be enforced for new and existing Educational Occupancies. Where discrepancies occur between the codes, the most restrictive shall apply.

Those sections of *NFPA 101- Life Safety Code*, 2021 Edition that are also adopted by this code shall be used by the Fire Official as maintenance requirements for the Inspection of Existing Buildings only unless it is deemed necessary by both the Fire and Building Officials to use as an applied code for construction.

101.4 Building Official.

The Director of the Department of Planning, Engineering and Permits shall be designated as the Building Official and shall be appointed by the Mayor of the City of Birmingham and shall have all the authority and carry out all of the duties of the Building Official under this Code.

101.4.1 Deputy. The Building Official may designate as his/her deputy an employee in the Department of Planning, Engineering and Permits, who may be assigned by the Director the duty of enforcing this Code and other such duties as the Building Official may delegate, and who shall, during the absence or disability of the Building Official, exercise all the powers of the Building Official.

101.4.2 Inspector Qualifications. The Building Official, with the approval of the Director of the Department of Planning, Engineering and Permits, may appoint or hire such number of officers, inspectors, assistants and other employees as shall be authorized from time to time subject to the rules and regulations of the Personnel Board of Jefferson County, Alabama. A person shall not be appointed or hired as Inspector who has not had at least 3 years' experience as a building inspector, engineer, architect, or as a superintendent, foreman or competent mechanic in charge of construction.

101.4.3 Restrictions on Employees. An officer or employee connected with the Department of Planning, Engineering and Permits except one whose only connection is as a member of the Construction Board of Adjustment and Appeals established by this Code, 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/her duties or conflict with the interests of the Department of Planning, Engineering and Permits, or such other department which may be assigned by ordinance of the City Council the duty of enforcing this Code. Any secondary employment shall be approved by the Appointing Authority.

101.4.4 Records. The Building Official shall keep, or cause to be kept, a record of the business of the Department of Planning, Engineering and Permits, or such other department or division of a department which may be assigned by ordinance of the City Council the duty of enforcing this Code. The records of such department or division shall be open to public inspection as permitted by law.

101.4.5 Liability. Any officer or employee, or member of the Board of Adjustments and Appeals, charged with the enforcement of this Code, acting for the applicable governing authority in the discharge of his/her duties, shall not thereby render himself/herself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer or employee or member because of such act performed by him/her in the enforcement of any provision of this Code shall be indemnified and have representation provided on their behalf as provided be section 2-4-11 of the General City Code of Birmingham, 1980.

This code shall not be construed as imposing upon the city any liability or responsibility for damages to any person or property caused by any defect in any electrical installation or equipment mentioned herein or by installation thereof, nor shall the City of Birmingham or any officer, inspector, assistant, or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued the inspector.

101.4.6 Reports. The Building Official shall submit annually a report covering the work of the Department of Planning, Engineering and Permits, or such other department or division of a department which may be assigned by ordinance of the City Council the duty of enforcing this Code, during the preceding year. The Building Official may incorporate in said report a summary of the decisions of the Board of Adjustments and Appeals during said year.

101.5 Fire Official.

The Fire Chief of the Birmingham Fire and Rescue Service Department or his/her designee shall be known as the Fire Official and be appointed by the Mayor and shall have all of the authority and carry out all of the duties of the Fire Official under this Code.

101.5.1 Fire Prevention Division. There is hereby established a division within the Fire and Rescue Service Department to be known as the Fire Prevention Division. This division shall operate under the direction of the Fire Chief, through the designated Fire Marshal, and shall assist in the performance of the duties as Fire Official. The function of this Division shall be the implementation, administration, and enforcement of the provisions of this code. This division may also perform other duties as assigned by the Fire Chief.

101.5.2 Inspector Qualifications. The Fire Marshal, with the approval of the Fire Chief of the Birmingham Fire and Rescue Service Department may appoint or hire such number of officers, inspectors, assistants, and other employees as shall be authorized from time to time subject to the rules and regulations of the Personnel Board of Jefferson County, Alabama.

101.5.3 Records. The Fire Code Official shall keep official records as required by the following sub sections. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

101.6 Existing Buildings

101.6.1 General. Alterations, repairs, or rehabilitation work may be made to any existing structure, building, fire protection, elevator, escalator, electrical, gas, mechanical or plumbing system, or parking lot without requiring the building, elevator, escalator, structure, plumbing, electrical, mechanical, fire protection or gas system, or parking lot to comply with all the requirements of this Code provided that the alteration, repair or rehabilitation work conforms to the requirements of this Code for new construction and the City's Zoning

Ordinance. The Building Official and Fire Official shall determine the extent to which the existing system shall be made to conform to the requirements of this Code for new construction. Existing buildings, built before the adoption of this code, that are being remodeled or changed to a new use shall be exempt from the seismic requirements of the 2021 International Building Code. Reroofing work shall comply with Section R908 of the IRC and Chapter 15 IBC-2021.

101.6.2 Change of Occupancy. If the occupancy classification of any existing building or structure is changed, the building, fire protection, elevator, escalator, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of this Code as required by the Building and Fire Officials.

101.6.3 Existing Conditions. Existing conditions not in strict compliance with this Code may be permitted to continue when, in the opinion of the Building and Fire Officials, these conditions do not constitute a distinct hazard to life or property.

101.7 Special Historic Buildings. The provisions of this Code relating to the construction alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or the City of Birmingham as Historic Buildings when such buildings or structures are judged by the Building and Fire Officials to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered Professional Engineer or Architect in the State of Alabama.

101.8 Code Official. The Code Official is designated by Sec. 103.2 of the Birmingham Property Maintenance Code and shall oversee the implementation, administration and enforcement of the Birmingham Property Maintenance Code as set forth in Article VIII of this Code.

102 POWERS AND DUTIES OF THE BUILDING, CODE, AND FIRE OFFICIALS

102.1 General. The Building Official, Code Official, and Fire Official are hereby authorized and directed to enforce the respective provisions of this Code. The Building, Code, or Fire Official is further authorized to render interpretations of the respective portion of this Code over which they have authority.

102.2 Right of Entry

102.2.1 Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building, Code, or Fire Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, elevator, escalator, electrical, gas, mechanical, fire protection, life safety or plumbing systems unsafe, dangerous or hazardous, the Building, Code, or Fire Official may enter such building, structure or premises at all reasonable times to

inspect the same or to perform any duty imposed upon the Building, Code, or Fire Official by this Code, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building, Code, or Fire Official shall have recourse to every remedy provided by law to secure entry.

102.2.2 When the Building, Code, or Fire Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building, Code, or Fire Official for the purpose of inspection and examination pursuant to this Code.

102.3 Stop Work Orders

Upon notice from the Building, Code, or Fire Official, work on any building, structure, elevator, escalator, electrical, gas, fire protection, mechanical or plumbing system that is being done contrary to the provisions of this Code 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 his/her agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building, Code, or Fire Official shall not be required to give a written notice prior to stopping the work.

102.4 Revocation of Permits

102.4.1 Misrepresentation of Application. The Building, Code, or Fire Official may revoke a permit or approval, issued under the provisions of this Code, where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. It is crime, punishable as a Class C felony, for any person, with intent to defraud, to falsely make, complete, or alter an application, or any of the information contained therein, under Ala. Code, 1975, § 13A-9-3, as now or hereafter amended.

102.4.2 Violation of Code Provisions. The Building, Code, or Fire Official may revoke a permit upon determination by the Building, Code, or Fire Official that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, fire protection, elevator, escalator, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this Code.

102.5 Unsafe Buildings, Systems and Public Nuisances

102.5.1 Unsafe Buildings and Systems. All buildings, systems, structures, and premises, which are unsafe, unsanitary, which are not provided with adequate egress, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, but are not unsafe to the extent that they constitute

a public nuisance, are considered unsafe buildings. All such unsafe buildings, systems, structures, and premises are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

102.5.1.1 Whenever the Building, Code, or Fire Official shall find any building or structure or portion thereof to be unsafe, as defined in this section, he shall, in accordance with the established procedure for legal notices, give the assessed owner, agent, person having an interest in or person in control of such building or structure written notice stating 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.

102.5.1.2, If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the specified repair and improvements are completed, inspected, and approved by the Building, Code, and Fire Official. The Building, Code, or Fire Official shall cause to be posted at each entrance to such building a notice: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL." Such notice shall remain posted until the required repairs are made, or demolition is completed. It shall be unlawful for any person, firm, or corporation, their agents, servants, or employees to remove such notice without written permission of the Building, Code, or Fire Official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same. Posted notice shall include the prohibition on removing the notice and on entering or remaining within the building in violation of this section.

102.5.1.3 If such owner(s), agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Building, Code, or Fire Official shall cause such building or structure or portion hereof, if not heretofore vacated, to be vacated and remain vacated until repaired or demolished; provided, however, if thereafter such building or structure or portion thereof becomes unsafe to the extent that it is a public nuisance, the Building Official shall proceed as provided in section 102.5.2 hereof.

102.5.1.4 The Building and Fire Officials may make, periodically, a thorough re-inspection of the installation of all electrical wiring, electric devices, and electric equipment now installed or that may hereafter be installed within the city; and when the installation of any wiring devices or equipment is found to be in a dangerous or unsafe condition, the person owning, using, or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such wiring, devices, or equipment in safe condition and have such work completed within the period specified by the Building or Fire Official. The Building Official or Fire Official is hereby empowered to disconnect or order the discontinuance of electrical service to such wiring devices, or equipment so found to be defectively installed until the installation of such wiring, devices, or equipment has been made safe as directed by him/her.

102.5.1.5 All plumbing, electrical, gas and mechanical installations, regardless of type, that are unsanitary or that constitute a hazard to human life, health, or welfare are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition, and such violations shall be brought to the attention of the owner or agent thereof, with written instructions to have same corrected within 10 days after receipt of such notice in writing and said owner or agent shall be held responsible for such violations. If after any water meter is set, it is determined that there is danger of backflow or back-siphonage into the building water distribution system, water service or water main from any connection, fittings, fixture, device, appurtenance or appliance whereby the water in the water supply or distribution piping could become contaminated or the water could otherwise be rendered a non-potable supply of water, the Building Official may, upon written notice, require the water supplier to disconnect the premises upon which such back-flow or back-siphon condition exists from the water main until such condition is remedied to the satisfaction of the Building Official. The Building Official shall have the authority to prevent the setting of a meter or the connection of a water service to any building water distribution system when upon inspection of the premises, conditions are found to exist which are contrary to the provisions of this Code as it pertains to the water supply and/or water distribution system of a building or premises until such condition or conditions are remedied to the satisfaction of said Building Official.

102.5.1.6 The owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the Building, Code, or Fire Official, as provided hereinafter, and to appear before the Construction Board of Adjustments and Appeals at a specified time and place to show cause why he should not comply with said notice.

102.5.1.7 The decision of the Building, Code, or Fire Official shall be final, and supersede any other pending action, in cases of emergency which, in his/her opinion, involve imminent danger of structural collapse endangering adjoining property, the public right-of-way or to human life or health. He shall promptly cause such building, structure, or portion thereof to be made safe, secured, or removed. For this purpose, he may at once enter such structure, with such assistance and at such cost as he may deem necessary. He may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

102.5.1.8 The costs of such emergency action shall be fixed by the City Council and such costs shall be assessed against the person or persons creating or maintaining such dangerous condition. Costs shall be fixed and assessed as provided in Sections 102.5.2.4 through 102.5.2.6 herein, inclusive.

102.5.2 Public Nuisances

102.5.2.1 Whenever the Building Official shall find that any building, structure, part of building or structure, party wall, foundation or premises situated in the City is unsafe to the extent that it is a public nuisance, he shall give the person or persons, firm, association, or corporation last assessing the property for state taxes and all mortgagees of record, by certified or registered mail to the address on file in the tax collector's office, notice to remedy the unsafe

or dangerous condition of such building, structure, or premises, or to demolish the same, within a reasonable time set out in said notice, which time shall be not less than thirty (30) days or suffer such building or structure to be demolished by the City and the cost thereof assessed against the property. The mailing of such certified or registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, shall, within three (3) working days of the date of mailing, also be posted at or within three (3) feet of an entrance to the building or structure provided that if there is no entrance, the notice may be posted at any location upon the building or structure.

102.5.2.2 Within the time specified in such notice, but not more than thirty (30) days from the date notice is given, any person, firm or corporation having an interest in such building or structure may file a written request for a hearing before the City Council, together with his/her objections to the finding by the Building Official that such building or structure is unsafe to the extent of becoming a public nuisance. The filing of such request shall hold in abeyance any action on the finding of the Building Official until determination thereon is made by the Council. Upon holding such hearing, which hearing shall be held not less than five (5) nor more than thirty (30) days after such request, or in the event no hearing is timely requested, the Council, after the expiration of thirty (30) days from the date notice is given, shall determine whether or not such building or structure is unsafe to the extent that it is a public nuisance. In the event that it is determined by the Council that such building or structure is unsafe to the extent that it is a public nuisance, the Council shall order such building or structure to be demolished. Such demolition may be accomplished by the City by the use of its own forces, or it may provide by contract for such demolition. The City shall have authority to sell or otherwise dispose of salvaged materials resulting from such demolition.

Exception: When emergency action is declared after a thirty (30) day notice has been mailed and a written request for a hearing is received, the hearing before the City Council may be held immediately.

102.5.2.3 Any person aggrieved by the decision of the Council at such hearing may, within ten (10) days thereafter, appeal to the Circuit Court upon filing with the clerk of said court notice of appeal and bond for security of costs in the form and amount to be approved by the Circuit Clerk. The City Clerk shall, upon receiving notice of appeal, file with the Clerk of the Court a copy of the findings and determination of the Council proceedings.

102.5.2.4 Upon demolition of such building or structure, the Building Official shall make report to the Council of the cost thereof, and the Council shall adopt a resolution fixing the costs which it finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building or structure shall be used or applied against the cost of said demolition; and provided, further, that any person, firm, or corporation having an interest in said property may be heard at such meetings to any objection he may have to the fixing of such costs or the amounts thereof. The City Clerk shall give notice of the meeting at which the fixing of such costs are to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the tax collector's records on the

property or is otherwise known to the clerk. The fixing of said costs by the Council shall constitute a special assessment against the lot or lots, parcel, or parcels of land upon which the building or structure was located, and, thus made and confirmed, shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes and shall continue in force until paid. A certified copy of such resolution shall also be filed in the Office of Judge of Probate of Jefferson County, Alabama.

102.5.2.5 The City shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien or such city for such assessment, but any redemptioner or purchaser at any sale by the state or any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to such assessment. Such assessment shall then be added to the tax bill of the property, collected as tax, and remitted to the city.

102.5.2.6 Payment of such assessment shall be made in the manner and as provided for the payment of municipal improvement assessments in Section 11-48-48, Code of Alabama, 1975, as now amended, and upon the property owner's failure to pay such assessment, as provided in the provisions of Sections 11-48-49 through 11-48-60, inclusive, Code of Alabama, 1975.

102.6 Requirements Not Covered by Code

Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, elevator, escalator, electrical, gas, fire protection, mechanical or plumbing system, or for the public safety, health, and general welfare, not specifically covered by this Code, shall be determined by the Building, Code, and Fire Officials.

102.7 Alternate Materials and Methods

The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Building and Fire Officials. The Building, Code, and Fire Officials shall approve any such alternate, provided the Building and Fire Officials find that the alternate is at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety for the purpose intended. The Building, Code, or Fire Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

102.7.1 Approved Materials, Apparatus, Equipment and Methods.

All materials, apparatus, fittings, appliances, devices, appurtenances, or fire rated assemblies, shall be listed by testing agencies that have been accredited by the International Accreditation Service, Inc. (IAS), as stated in the ICC-ES Rules of Procedure of the International Code Council (ICC)

102.7.2 Approved Materials, Apparatus, Equipment and Methods for Electrical.

All materials, apparatus, fittings, appliances, devices, appurtenances, and equipment shall be listed by a National Recognized Testing Laboratory (NRTL). List of NRTL's can be taken from the list provided by the Occupational Safety and Health Administration (OSHA).

102.8 Electric Fences shall be prohibited from any location within the city of Birmingham, except when approved by the Building Official

Exception: Alarm systems; regulation of installation and use of battery-charged fences per Alabama Code Section 11-80-17

103 CONSTRUCTION PERMITS

A person, firm or corporation shall not erect, construct, enlarge, install, alter, repair, move, improve, remove, convert or demolish any building, structure, elevator, escalator, electrical, gas, fire protection, mechanical or plumbing system in the City of Birmingham, or cause the same to be done, without first obtaining a permit for such from the Building and/or Fire Official.

103.1 APPLICATION FOR PERMIT

103.1.1 When Required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any fire protection, electrical, elevator, escalator, gas, mechanical or plumbing system, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building and/or Fire Official and obtain the required permit for the work.

EXCEPTION: Permits shall not be required for the following work except as noted herein:

1. Any portable heating, ventilation, evaporator coil or cooling equipment.
2. Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.
3. Any self-contained refrigeration system containing 10 lb. or less of refrigerant and actuated by motors of 1 horsepower or less.
4. Repair or replacement of components with similar equipment which does not enlarge, move, convert, or replace the mechanical system and which does not create an unsafe condition.
5. Repair of a gas-fired furnace excluding Vent and Gas piping. Vent and Gas piping shall require a Gas permit.

6. Repair or replacement of condensing unit.
7. Repair or replacement of no more than 50% which shall not to exceed 20 feet of water service.
8. Accessory structures for one- and two-family dwellings less than 150200 SF when approved by the Planning Division of the Department of Planning, Engineering and Permits.
9. Repair or replacement of roof shingles / roof covering, gutters and downspouts on One and Two Family dwellings and Townhouses; Except: One and Two Family Dwellings and Townhouses in Historic or Design Review Districts Will Require a building Permit
10. Repair of commercial roofing including gutters and downspouts, if repair does not include changing the type of roof material. Changing the type of roof material requires a building permit.
11. Retaining walls less than 3 feet from the top of the footing.
12. Painting, papering, carpeting, cabinets, counter tops, and similar finish work in single family residences.
13. Building permits for swimming pools are not required; Applicant shall provide a site plan and obtain approval from Zoning before starting work. Electrical and plumbing permits and associated inspections are required.
14. Playground equipment.
15. Nonfixed and movable fixtures, cases, racks, and counters.

103.1.2 Work Authorized. A building, fire protection, electrical, elevator, escalator, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

103.1.3 Minor Repairs. Ordinary minor repairs may be made with the approval of the Building, Code, and Fire Official without a permit, provided that such repairs shall not violate any of the provisions of this Code.

103.1.4 Information Required. Each application for a new construction building permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site, lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official. Any person submitting an owner's affidavit with an application for residential construction may be required to show proof of ownership or, if the owner is an organization, proper authorization by the organization to submit the application and affidavit on behalf of the organization. All applications and affidavits shall be made in the correct legal name of the owner.

103.1.5 Time Limitations. An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit unless a permit has been issued within the 6 months period. One or more extensions of time for periods of not more than 90 days each may be allowed by the Building Official for the application, provided the request for extension is in writing and justifiable cause for such delay is demonstrated. See Section 103.6.2 for Special Permits.

103.2 Drawings and Specifications

103.2.1 Requirements. When required by the Building Official, or Fire Official, three or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with this Code. Such information shall be specific; this Code shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

Mechanical permit applications may be required to have drawings or Heat Loss and Gain forms (ACCA Manual J or ACCA Manual N) attached.

103.2.2 Additional Data. The Building or Fire Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations.

103.2.3 Design Professional. All drawings, specifications, and accompanying data shall bear the name and address of the designer. In the case of buildings or structures of Group A and E Occupancy, and all buildings or structures or portions thereof more than 2500 square feet, except single-family dwellings, such designer 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, specifications and accompanying data. All Gas, Mechanical, Plumbing, Fire Protection System drawings are required to be prepared by a Registered Engineer in the State of Alabama, except as allowed by determination of the Building Official for minor alterations, relocations or as allowed for incidental work per Alabama State Law for Architects.

103.2.3.1 Design professional in responsible charge.

103.2.3.2 General. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall

perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred items, for compatibility with the design of the building. Where structural observation is required by Section 1704, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704).

103.2.3.3 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

103.2.3.4 Fire Protection Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information required by the referenced design/installation standards in Chapter 9 and Chapter 35 of the IBC, to include; including the name and NICET number qualifying business for Alabama State Fire Marshal Permit, the Draftsperson, the Alabama Engineer of Record (EOR) Review Stamp or Seal as appropriate on first page as a minimum, no letters; and verified email address of the NICET holder, Draftsperson, Engineer of Record, GC Project Manager, Owner/Tenant, and Architect of record.

103.2.4 Structural and Fire Resistance Integrity. Plans for all buildings shall indicate how required structural and fire resistive integrity will be maintained where a penetration of a required fire-resistant wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire-resistant floors intersect the exterior walls.

103.2.5 Site Drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building or Fire Official may require a boundary line survey prepared by a qualified surveyor. Site drawings shall include fire access roadways, fire hydrants and obstructions to proposed buildings.

103.3 Examination of Documents

103.3.1 Plan Review. The Building and Fire Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Code and all other pertinent laws or ordinances, such as Zoning and Soil Erosion and Sediment Control ordinances. The Building and Fire Official shall also examine or cause to be examined each set of drawings, specifications, computations, and additional data of all components of fire protection systems, and the Building and Fire Official shall ascertain by such examinations whether the construction and/or installation of all components of the fire protection systems are in compliance with this Code and all other pertinent laws or ordinances.

103.4 Issuing Permits

103.4.1 Action on Application. If the Building Official and Fire Officials are satisfied that the work described in an application for permit and the drawings filed therewith conform with the requirements of this Code and other pertinent laws, the City's Zoning Ordinance, and other ordinances, they shall issue a permit therefore to the applicant; provided that no permit shall be issued for renovation, repair or construction by a contractor or superintendent of any commercial building costing \$50,000 or more and, covered by Chapter 8, Title 34, Code of Alabama 1975, or renovation, repair or construction of residential construction costing \$10,000 or more, and covered by Chapter & 14A, Title 34, Code of Alabama of 1975, or as same may be amended, unless such contractor shall be duly licensed under the provisions of the respective chapter.

103.4.2 Refusal to Issue Permit. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of this Code or other pertinent laws or ordinances, the Building and Fire Officials shall not issue a permit, but shall return the contract documents to the applicant with his/her refusal to issue such permit. The Building and Fire Officials may withhold the further issuance of permits to the holder of any permit previously issued under this Code if the work or inspections as required there under have not been completed within a reasonable time. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

103.4.3 Partial Permits. When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his/her discretion, issue a special permit for the foundations, framing or other portions of such building. The holder of such a special permit shall proceed at his/her own risk and without assurance that a permit for remainder of the structure will be granted.

103.4.4 Public Right of Way. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or

premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the Department of Planning, Engineering and Permits for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the City Engineer to see that the street lines are not encroached upon except as provided for in Chapter 32 of Article II, of this code.

103.4.5 Excavations. A permit is required to be taken out with the Department of Planning, Engineering and Permits for each excavation in a public street or alley before the work is commenced. It shall be unlawful for any person, firm or corporation to do any tunneling under any public street or alley. All excavations, back-fills and repairs in public streets or alleys shall be done in accordance with applicable ordinances of the City of Birmingham as amended from time to time and filed in the office of the Department of Planning, Engineering and Permits, the enforcement of which rests with the Department of Planning, Engineering and Permits.

103.4.5.1 Boring. Boring for utility piping requires documentation of boring depth. If water service is done by boring method, documentation is required for approval.

103.4.6 Public Protection Requirement. It is hereby required that for every excavation made on public property, proper safeguards shall be provided against injury to the public; barricades shall be provided at five (5) feet intervals, and such barricades shall completely encircle all open excavations or trenches. All barricades, as required by this Code, shall have at least one (1) sign placed thereon in a conspicuous manner, indicating the name of the person, firm or corporation causing such excavation. When approved by the Department of Planning, Engineering and Permits, steel plates of sufficient strength may be used to cover the excavation to prevent blocking streets.

103.5 Contractors License. It shall be the duty of every contractor or builder, who shall make contracts for the erection, construction or repair of buildings for which a permit is required in the City, and every contractor or builder making such contracts and subletting the same, or any part thereof, to pay all applicable City license fees and taxes as provided by ordinance.

103.6 Conditions of the Permit

103.6.1 Permit Intent. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this Code, nor shall such issuance of a permit prevent the Building or Fire Official from thereafter requiring a correction of errors in plans or in construction, or of violations of this Code. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within ninety days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of ninety days after the time work is commenced; provided that for cause, one or more extensions of time, for periods not exceeding ninety days each, may be allowed in writing by the Building Official.

103.6.2 Special Permits. A building may be issued a maximum of two (2) condemnation repair permits or special repair permits after the building is entered into the condemnation process or after a building is condemned as a public nuisance by resolution of the City Council. Whenever a building has been condemned as a public nuisance by resolution of the City Council, no building or moving permit shall be issued nor shall any building permit be valid unless approved by resolution of the City Council. Authorized repair permits for buildings condemned by the City Council, or the Building Official must be obtained within seven (7) days of approval and shall become invalid unless the structure is secured, and weeds and trash are removed from the premises within ten (10) days of permit issuance and substantial repair is commenced within 30 days of permit issuance. These permits shall also become invalid if work is abandoned for any thirty (30) day period. No additional permits will be issued if the second condemnation repair permit or special repair permit is voided.

103.6.3 Plans. When the Building or Fire Official issues a permit, he shall endorse, in writing, or stamp one set of plans, that shall be kept at the site of work and shall be open to inspection by the Building and Fire Official or their authorized representative at all times and retain one copy for City Records.

103.6.4 Construction Waste Management: A Refuse Container of adequate size for all debris is required on each jobsite, the site shall be policed and left presentable every day for the duration of the project. The presence of Building materials, wood, dead trees, limbs, weeds, rock, stone, brick, concrete, dirt, and other building materials shall not be permitted to accumulate in alleyways, public utility easement, and public thoroughfares or at the curb. Such material that is not to be used in the immediate future must be stored in a safe manner and in such a way to prevent rodent harborage. The city will not be responsible for the removal of rock, stone, brick, concrete, dirt and other building materials. It shall be the responsibility of the owner to remove such articles for appropriate disposal. All debris and refuse containers must be removed before Final approval.

104 FEES

104.1 Prescribed Fees. A permit shall not be issued until the fees prescribed in this Code have been paid, or other arrangements have been made. Nor shall an amendment to a permit be released until payment of the additional fee, if any, due to an increase in the estimated cost of the building, elevator, escalator, structure, or the fire protection, electrical, plumbing, mechanical or gas systems, has been arranged.

104.2 Work Commencing Before Permit Issuance. Where any work on a building, structure, elevator, escalator, or the fire protection, electrical, plumbing, mechanical or gas systems is commenced before obtaining the necessary permits, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor of any other penalties prescribed herein. The Building Official may withhold the issuance of further permits to any person, firm, or corporation until all permits for work previously started by them have been obtained. Repeat violations within any 3-month period shall result in the

double fee plus an additional fee of one-hundred- fifty dollars (\$150.00) for each such additional violation.

104.2.1 Illegal Work to Be Remedied. Any person, firm, or corporation engaged in the Construction business or any other person doing work under the provisions of this Code whose work does not conform to the regulations herein set out, shall be on notice from the Building Official to make the necessary changes at once in order to remedy the same; if the work has not been corrected after 10 days' notice from the Building Official, the said Building Official shall then refuse to issue any more permits until he, it, or they, have conformed to all regulations applying to said work. Any person, firm or corporation having control of such work, who fails or refuses to make said changes, shall be punished on conviction as provided in Section 1-1-6 of the General Code of the City of Birmingham, Alabama 2021.

104.3 Accounting. The Building Official shall keep a permanent and accurate accounting of all such permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

104.4 Schedule of Permit Fees. On all buildings, structures, elevators, escalators, or the fire protection, electrical, plumbing, mechanical and gas systems, or alterations or for any operational/use and special events requiring a permit, a fee for each permit shall be paid as required in section 104.1, in accordance with the schedule as established by Article V and VII.

104.5 Building Permit Valuations. The applicant shall provide an estimated construction value at the time of application. If, in the opinion of the Building Official, the estimated cost of construction appears to be underestimated, the estimated costs for permit fee purposes shall be determined by the use of the most current applicable tables published by the ICC. Estimated cost shall include the total cost of all work such as plumbing, elevator, escalator, electrical, fire protection, mechanical, paving, landscaping, permanent systems, overhead and profit, engineering, and architectural design fees, and be equivalent to the end cost of the project. Detailed estimates and copy of the original executed contract(s) may be required for review to validate the declared scope and/or value of the construction. Final building valuation shall be set by the Building Official. **New Projects and Additions** total project costs are paid by the general contractor. General contractors shall provide a list of subcontractors whose fees are included in the building permit value for new buildings and additions. Trades listed as covered under the general contractor will only incur a processing fee at time of their permit issuance. **Alterations and Repairs** require all trades to pay fees based on the value of their work. **Permanent systems and permanent equipment require separate review and permitting.** Grading work shall be permitted according to Title 4, Chapter 7 of the General Code of the City of Birmingham.

104.6 Fees, How Paid. All fees for permits and inspections required under this Code shall be paid in the Finance Department, First Floor - City Hall.

105 CONSTRUCTION PERMIT INSPECTIONS

105.1 Existing Building Inspections. Before issuing a permit, the Building and Fire Officials may examine or cause to be examined any building, elevator, escalator, structure, or the fire protection, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, elevator, escalator, or the electrical, fire protection, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of this Code.

105.2 Manufacturers and Fabricators. When deemed necessary by the Building or Fire Official, they shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of this Code. Costs of such inspections shall be paid by the manufacturer.

105.3 Inspection Service. The Building or Fire Official may make, or cause to be made, the inspections required by this section. He may accept reports of inspectors of recognized inspection services provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of this Code shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

105.4 Inspections Prior To Issuance of Certificate of Occupancy or Completion. The Building and Fire Officials shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building or structure upon completion, prior to the issuance of the Certificate of Occupancy, as required in Section 106. Where any additional or extra inspection is required on any undertaking due to the failure of the permit holder to comply with the provisions of this Code, a "Special Inspection Permit" shall be obtained for each such inspection and there shall be an additional charge of \$75.00 for each such permit and inspection.

105.5 Posting of Permit. Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building or Fire Official or their representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the Building Official. The Fire operational/use permit shall be maintained on site permanently.

105.6 Required Inspections. It shall be the responsibility of the permit holder/contractor to give reasonable advance notice to the Building and Fire Officials when work is ready for test or inspection. Except in case of emergency this notice should be given 24 hours prior to the requested inspection unless otherwise specified. The Building and/or Fire Official, upon notification from the permit holder or his/her agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or

shall notify the permit holder or his/her agent of any violations which must be corrected in order to comply with this Code:

105.6.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

105.6.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

105.6.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

105.6.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

105.6.5 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

105.6.6 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

105.6.7 Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

105.6.8 Special inspections. For special inspections, see Section 1704 of the IBC.

105.6.9 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

105.6.10 Landscape Inspection - Landscape inspections shall be made after landscape is installed, but before a CO is issued.

105.6.11 Construction Permits Inspections. Inspection's appointments are made between 7:30am and 8:30am Monday thru Friday.

105.7. Fire Inspections

105.7.1 Testing of Fire Protection systems and equipment. The Fire Official shall witness tests for all fire protection systems and equipment before a Certificate of Occupancy or Certificate of Completion is issued by the Building Official. The following lists the Fire Official inspections on fire protection systems:

105.7.1.1 Underground Fire Service (NFPA Certification required)

- Open Trench Inspection of piping, thrust blocks and other approved methods of restraining fire mains.
- Hydrostatic Test
- Flush Test (before connection to the aboveground Fire Sprinkler System)
- Final (with Fire Alarm Final, if applicable)

105.7.1.2 Fire Sprinkler Systems (NFPA Certification required)

- Above Ceiling inspection and Hydrostatic Test (open ceiling)
- Bucket Test (13R)
- Final (with Fire Alarm System if applicable)

105.7.1.3 Standpipe System (NFPA Certification required)

- Hydrostatic Test
- Flush Test (with Fire Pump if applicable)
- Final (with Fire Alarm System if applicable)

105.7.1.4 Fire Pumps (Certification required)

- Hydrostatic and Flush Test of piping
- Functional Test (Pump Certification)
Emergency Power Supply for Electric Pumps
- Final (with Fire Alarm System, if applicable)

105.7.1.5 Fire Alarm System (NFPA Certification required)

- Acceptance Test (with other trades if applicable)
- Re-certification (if an existing system is upgraded or re-installed)

105.7.1.6 Commercial Hood Fire Extinguishing System (Certification required)

- Inspection (all components)
- Functional Test
- Final (with Fire alarm if applicable)

105.7.1.7 Non-Water based Fire Suppression Systems (Certification required)

- Inspection (all components)
- Room Integrity Test
- Pneumatic Test
- Puff Test (flow)
- Functional Test
- Final (with Fire alarm if applicable)

105.7.1.8 Above (AST) and Underground (UST) Tanks (Certification Required)

- Inspection (ASME code stamp or UL mark verifying Factory testing)
- Hydrostatic Test (soap test before tanks are placed in the ground)
- Piping and Tank tightness test (UST tested before covering)
- Final Inspection

105.7.1.9 Final Certificate of Occupancy Inspection

- Required at the completion of the testing of all Fire Protection Systems and Equipment
- Required if no Fire Protection Systems are installed unless instructed otherwise by the Building Inspection.
- Fire Extinguishers should be properly installed
- All Life Safety Features including egress should be completed

The following inspections require a completed contractor's certificate per NFPA Standards:

Underground Fire Service
Fire Sprinkler Systems
Standpipe Systems
Fire Alarm Systems
Fire Suppression Systems

105.8 Electrical.

Required electrical inspections shall consist of the following:

105.8.1 Underground Inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

105.8.2 Rough-In Inspection: To be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes. When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person installing the wiring shall notify the Building Official and such parts of the wiring installation shall not be concealed until they have been inspected and approved by the Building Official; provided, that on large installations where the concealment of parts of the wiring

proceeds continuously, the person installing the wiring shall give the Building Official due notice and inspections shall be made periodically during the progress of work.

105.8.3 Low Voltage Wiring: Low voltage wiring, as described in the 2014 NEC will be exempt from having to be installed under and electrical permit by a licensed electrician. Proper business license is required for indicated work. Wiring shall be limited to Class II or less power supply as determined by the authority having jurisdiction. The Electrical inspector is responsible for conducting the inspection for all the electrical wiring for fire alarm system. The electrical inspector checks wiring to fire alarm panel and from panel to devices/appliances (this does not include testing for supervision). The Fire inspector is responsible for conducting an acceptance test (including supervision) of the fire alarm system.

105.8.3.1 Permit Required: A low voltage permit will be required to install the following types of wiring and systems:

- Telecommunication
- Sound
- Data
- Burglar Alarm
- Power Limited Fire Alarm
- Video/CATV
- Lawn Sprinkler
- Fiber Optics
- Class II Controls
- Energy Management

Wire that is laid on the ceiling grid or supported by the ceiling grid hanger wire will not be approved and the inspector will not approve the installation of the ceiling tile.

105.8.3.2 Permit Cost: The minimum permit fee will be \$125.00. Permit cost will be based on the cost of the job being installed and will be charged at a rate of \$9.50 per \$1000 worth of installation cost. Fire Alarm systems that are included in the base cost of construction for new or remodeled buildings, and the Fire Alarm system that is shown on the approved building plans, will be exempt from paying the above fee.

105.8.4 Final Inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy. When the Building Official shall determine that work has been completed under a permit, but no final inspection has been requested or made, it shall be his/her duty to refuse to issue any permits to the master electrician for any work until said completed work has satisfactorily passed a final inspection. Regardless of any other provision of this Code, electrical work or equipment placed in operation and which are in use by the owner or occupant of the building or premises shall be deemed complete and ready for final inspection. If, upon final inspection, the installation is not found to be in full compliance with this Code, the Building Official shall at once notify the person installing the wiring, stating the defects which have been found to exist.

105.9 Plumbing

Required plumbing inspections shall consist of the following:

105.9.1. Underground Inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

105.9.2. Rough-In Inspection: To be made after the roof, framing, fire blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.

105.9.3 Final Inspection: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

105.9.4 Responsibility of Master Plumber: It shall be the responsibility of the master plumber to notify the office of the Building Official within forty-eight hours after the completion of the job and before the plumbing system, alterations or additions are placed in service, that the work is ready for final inspection. When the Building Official shall determine that work has been completed under a permit, but no final inspection has been asked for or made, it shall be his/her duty to refuse to issue any permits to the master plumber for any work until said completed work has satisfactorily passed a final inspection. Regardless of any other provision of this Code, plumbing work or fixtures placed in operation and which are in use by the owner, or an occupant of the building or premises shall be deemed complete and ready for final inspection.

105.9.5 Test of Drainage and Vent Systems. All the piping of the plumbing system shall be tested with water. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The Building Official may require the removal of any clean-out to ascertain if the pressure has reached all parts of the system.

105.9.6 Methods of Testing Drainage and Vent Systems.

(a) **Water Test**--The Water Test shall be applied to the drainage and vent system, either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest openings of the section under test, and each section shall be filled with water, but no section shall be tested with less than a 10-foot head of water. In testing successive sections at least, the upper 10 feet of the next proceeding section shall be tested so that no joint or pipe in the building (except the uppermost 10 feet of the system) shall have been submitted to a test of less than a 10-foot head of water. The water shall be kept in the system, or in the portion under test, for a least 15 minutes before inspection starts; the system shall then be tight at all points. Exception: Sewage ejectors need only meet the requirements of the final test.

(b) **Ball Test**--All soil or waste pipes other than individual fixture drains 3" or larger may be subjected to the "Ball Test." This test shall consist of passing through the pipe bore a wooden sewer ball of a diameter not smaller than 1/2" less than the diameter of

the pipe under test. The ball shall pass freely, under the action of gravity, through the pipe under test. Water, no more than 5 gallons, may be used to assist in floating the ball through the piping, however, no other means of assistance shall be used.

(c) **Final Test**--The final test of the completed drainage and vent system shall be visual and in sufficient detail to ensure that the provisions of this Code have been complied with, provided, however, that for cause, the plumber may be required to subject the plumbing to a smoke or mint test as determined by the Building Official. Where the mint test is used, two ounces of oil of mint shall be introduced for each line or stack.

105.9.7 Test of Water-Supply System. Upon completion of a section, or of the entire water-supply system, it shall be tested and proved tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply. Provisions allowed under Section 312.5 2021 IPC for testing purposes.

105.9.8 Test of Building Sewer. Shall be tested and accepted by Jefferson County Environmental Services before any final plumbing inspections are to be made. A letter of acceptance shall be received in the Department of Planning, Engineering and Permits addressed to the Chief Plumbing, Gas and Mechanical Inspector.

105.9.9 Test of Interior Leaders or Downspouts. Leaders or downspouts and branches within a building shall be tested by water in accordance with "Methods for Testing of Drainage and Vent Systems."

105.9.10. Test of Defective Plumbing. The drainage system of any building, where there is reason to believe that it has become defective, shall be subjected to test or inspection.

105.10. Mechanical

105.10.1. Rough-In Inspection: To be made after the roof, framing, fire-blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

105.10.2 Final Inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

105.11 Gas

105.11.1 Rough Piping Inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

105.11.2 Final Piping Inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

105.11.3 Intermediate Inspection: It shall be the responsibility of the Master Gas Fitter to notify the office of the Building Official within forty-eight hours after completion of the job and before the gas system, alterations or additions are placed in service, that the work is ready for intermediate inspection. It shall further be the responsibility of the Master Gas Fitter to see that the premises and the work are available and accessible to the Building Official or his/her representative for inspection.

105.11.4 Final Inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans. It shall be the responsibility of a Master Gas Fitter to put all equipment in operation for final inspection after completion and call for final inspection of the job and within ten (10) days after approval of the intermediate inspection except in such cases where the unfinished work of other crafts prohibits proper operation of the equipment. Such cases shall be determined by the Building Official after request of inspection, but in no case will this relieve the Master Gas Fitter, Company, Firm, or Corporation of his/her or their responsibility to call for final inspection within ten (10) days. If final inspection is not requested within 10 days from approval of the intermediate inspection and final approval given, it shall be the responsibility of the Building Official to refuse to issue any permits to the Master Gas Fitter, Company, Firm, or Corporation for any additional work at any time it has been ascertained that the equipment has been placed in operation and final inspection has not been requested and final approval obtained.

105.11.5 Instrument Tests: Instrument tests, when required, shall insure that the flue gas temperature does not exceed 480 Degrees Fahrenheit above that of the air temperature surrounding the appliance. The concentration of CO-2 does not exceed 9%; or the concentration of CO-02 does not exceed 0.04%, and the concentration and oxygen is not less than 4% and not more than 10%. This test shall be applicable to conversion burner installations, barometric damper installations, power burner installations, and at any time, when, after test by the Building Official, the equipment is found not to comply with the above requirements.

105.11.6 Test of a Gas Piping System: All the piping of the gas system to the outlet manual shut-off valve or quick-disconnect device, when provided shall be tested with air or inert gas in accordance with the 2021 IFGC requirements.

105.11.7 Test of Defective Gas Systems: The gas system of any building, where there is reason to believe that it has become defective, shall be subjected to test and/or inspection.

105.11.8 Gas Vent Inspection: Before approval of the roughing-in-inspection, required in this Code, may be given, all gas vent piping shall be in place, joints properly sealed, adequately supported and clear of all combustible material in accordance with other sections of this Code. Where it is necessary for ceilings or other obstructions to be installed prior to the gas vent pipe, then adequate clearance shall be provided around the vent pipe in order that clearances, may be ascertained and, also, that the type of material and listing may be determined by the Building Official. In no case shall the installation of ceilings or other obstructions prior to inspection be the cause of an inspector having to crawl in or through attics when an earlier installation could have been made and inspection be called for.

105.11.9 Final or Operational Inspection: After a gas meter is set and all equipment is put in service, a final inspection may be made. This inspection will be in sufficient detail to assure that all final connections have been made and that all appliances have been properly adjusted and that all controls are in good working order. Upon the satisfactory completion of this inspection, a certificate of approval shall be issued to the permittee by the Building Official to be delivered to the owner.

105.11.10 Visual or Intermediate Inspection: When all equipment is ready to be put in service, and before the meter is set, visual inspection shall be requested by the Master Gas Fitter. This inspection shall be in sufficient detail to ensure that all the provisions of this Code have been complied with. In existing systems, where a meter is already in service, final connection of the appliance or equipment to the customer's gas piping shall not be made until the visual or intermediate inspection is made and approval given. Except for replacements when no roughing-in is required, then a final inspection may be made in lieu of the intermediate inspection. When equipment is placed in operation, such equipment shall be deemed ready for final inspection whether requested or not. However, nothing contained in this section shall relieve any person, firm or corporation from his/her or their responsibility to request inspection as required by this Code nor shall such inspection relieve any person from payment of additional inspection fees or other penalties incurred under this Code.

105.12 Elevator

105.12.1 The installation and maintenance of all new and existing elevator equipment is under the control of the State of Alabama Elevator Board. This includes the recall service (i.e., Phase I or Phase II; proper recall using smoke detectors). The Fire Official will be responsible for testing of the sprinkler system providing protection for the elevator shaft/room. The Fire Official will check elevator lobby/shaft detection for proper signals to fire alarm panel.

105.12.2 Man lifts installed on construction sites shall comply with A17.1-2000, Section 5.10.

105.13 Written Release. Work shall not be done on any part of a building, structure, elevator, escalator, or the fire protection, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Building or Fire Official. Such written release shall be given only after an inspection has been

made of each successive step in the construction or installation as indicated by each of the foregoing inspections.

105.14 Reinspection. If the Building or Fire Official finds that the work will not pass the inspection, the contractor shall be required to make necessary corrections and the work shall then be resubmitted for reinspection. Where additional inspections are necessary, there shall be an additional fee as provided for in Article V.

105.15 Delayed Inspection and Penalty. On any job for which a permit has been obtained and a period of more than 90 days elapsed without request for an inspection, an inspection shall be made, and should it be ascertained that the work has been completed for which an inspection is required, and no inspection has been requested as otherwise required by this Code, a delayed inspection penalty fee shall be paid as provided in this Code. Payment of this fee shall not include preclude payment of any other inspection charges incurred due to defective material, workmanship, equipment, apparatus, or the lack of equipment, apparatus, or personnel required for inspection or tests.

105.16 Contractor's Responsibility. It shall be the responsibility of the contractor to make sure that the work will stand the test prescribed before giving the notice for the inspection. It shall also be the responsibility of the contractor to see that the premises, work and personnel are available and accessible to the Building and Fire Officials or their representative for final inspection. Failure of the contractor to ensure that final inspections are requested in accordance with this section may result in denial of future permit issuance.

105.17 Retesting. If the Building or Fire Official finds that the work will not pass the test, the contractor shall be required to make necessary corrections and the work shall then be resubmitted for inspection. Where additional inspections are necessary for such retesting there shall be an additional fee as provided for in Article V.

105.18 Covering the Work. Prior to testing, the system or part thereof shall not be covered until it has been inspected, tested, and approved as prescribed in this Code.

105.19 Uncovering of Work. If a system or part thereof is covered before being inspected and approved as prescribed in this chapter, it shall be uncovered upon direction of the Building or Fire Official.

105.20 Material and Labor for Tests. The equipment, material, power, and labor necessary for the inspection and test shall be furnished by the contractor. The contractor shall be responsible for supplying gas for the operational or final test except that this requirement need not apply to gas meters when the owner has applied for service and a meter has been set within the time period covered in this Code.

106 CERTIFICATES

106.1 Building Occupancy. A new building shall not be occupied, or a change made in the occupancy, nature or use of a building or part of a building until after the Building Official has issued a Certificate of Occupancy. Said certificate shall not be issued until all required building, structural, elevator, escalator, or the electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with this Code and other applicable laws and ordinances and released by the Building and Fire Officials. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

106.2 Issuing Certificate of Occupancy. Upon satisfactory completion of construction of a building or structure and installation of electrical, elevator, escalator, fire protection, gas, mechanical and plumbing systems in accordance with this Code, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this Code.

106.3 Temporary/Partial Occupancy. A temporary/partial certificate of occupancy may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building.

106.4 Existing Building Certificate of Occupancy. A Certificate of Occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with this Code for the occupancy intended. Where necessary, in the opinion of the Building Official and Fire Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of this Code and other applicable laws and ordinances for such occupancy, a Certificate of Occupancy shall be issued.

106.5 Roughing-in-Inspection Certificate. Upon the satisfactory completion of the roughing-in-inspection, approval shall be so noted in the electrical, gas, mechanical or plumbing section of the building permit card. This approval shall give the date of the roughing-in-inspection and the name of the inspector.

106.6 Final Inspection Certificate.

Upon the satisfactory completion and final test of the plumbing system, a certificate of approval shall be issued by the Building Official to the Contractor to be delivered to the owner. If the work is found to be fully in compliance with this Code and does not constitute a hazard to life and property, he shall issue to such person, for delivery to the owner, a final certificate of approval authorizing connection to the electrical service, the turning on of the current and the use of the installation and shall send written notice of such authorization to the public utility corporation furnishing the electric service. When a certificate is issued authorizing the connection and use of temporary work, such a certificate shall be issued to expire at a stated time and shall be revocable by the Building Official at his/her discretion. A preliminary

certificate may be issued authorizing the connection and use of certain specified portions of an uncompleted installation; such a preliminary certificate shall be revocable at the discretion of the Building Official.

106.7 Certificate of Completion. Upon satisfactory completion of a building, structure, elevator, escalator, or the fire protection, gas, mechanical or plumbing system or portion thereof, a Certificate of Completion may be issued. This Certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This Certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

106.8 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

107 SERVICE UTILITIES

107.1 Connection of Service Utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by this Code and for which a permit is required, until released by the Building Official and a Certificate of Occupancy or Completion is issued. Building Sewers (laterals), water services and gas services shall connect to the respective public main within the limits of the lot lines if extended to the public main.

107.2 Temporary Permanent Connection. The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy. A separate application and permit fee is required in addition to all other fees.

107.3 Authority to Disconnect Service Utilities. The Building or Fire Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or property or when the structure has been declared a public nuisance. The Building or Fire Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

107.4 Responsibility of Public Utility Companies. Before any meter is set by any utility company or their authorized agent on any new or existing installation or before a larger meter is set where there is an increase in demand, the company desiring to set meters shall submit the name, address and date of the subscribers making request for such service. No meter shall

be set until approval is given by the Building Official. The subscriber's name and address shall be submitted in duplicate.

107.5 Initial Connections. It shall be unlawful for any person, firm, or corporation to make connections from a source of electrical energy to any electric wiring, devices, or equipment for the installation of which a permit is required, until a certificate of approval has been issued by the Building Official authorizing such connections and the use of such wiring, devices, or equipment.

107.6 Reconnections. It shall be unlawful for any person, firm, or corporation to make connection from a source of electrical energy to any electrical wiring, device, or equipment which has been disconnected or the use of which has been ordered by the Building or Fire Official to be disconnected until a certificate of approval has been issued by the Building Official authorizing the reconnection and use of such wiring devices or equipment.

107.7 Illegal Work to Be Remedied. Any person, firm, or corporation engaged in the plumbing business or any other person doing work under the provisions of this Code whose work does not conform to the regulations herein set out, shall on notice from the Building Official make the necessary changes at once in order to remedy the same; if the work has not been so changed after 10 days' notice from the Building Official, the said Building Official shall then refuse to issue any more permits until he, it, or they, have conformed to all regulations applying to said work. Any person, firm or corporation having control of such work, who fails or refuses to make said changes, shall be punished on conviction as provided in Section 114. It shall be unlawful for the owner or agent for any building, dwelling, or dwelling unit to permit any drain, ~~or~~ conduit connection to remain connected with any public sewer if the work has been improperly done, and no person shall permit the use of any water closet, or other plumbing fixture connected with a sanitary sewer or septic tank without an adequate supply of water connected thereto for the purpose of properly flushing and cleaning same. When any water closets sanitary appurtenance or conduit draining into a sanitary sewer or septic tank becomes stopped, clogged or otherwise out of repair, it shall be the duty of the owner or agent for the building, dwelling or dwelling unit to promptly cause the necessary repairs required for compliance with the provisions herein.

108 POSTING FLOOR LOADS

108.1 Occupancy. An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial, or industrial purposes by a specific occupancy, when he is satisfied that such capacity will not thereby be exceeded.

108.2 Storage and Factory-Industrial Occupancies. It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in

pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Department of Planning, Engineering and Permits, or such other departments which may be assigned by ordinance of the City Council the duty of enforcing this Code.

108.3 Signs Required. In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Building and Fire Officials on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed, or defaced, shall be replaced by the owner of the building.

109 TESTS

109.1 The Building or Fire Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his/her agent, by an approved testing laboratory or other approved agency.

110 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

110.1 Appointment. There is hereby established a Board to be called the Construction Board of Adjustment and Appeals, which shall consist of eight members. The Board shall be appointed by the Birmingham City Council.

110.2 Membership and Terms.

110.2.1 Membership. The Construction Board of Adjustment and Appeals should consist of eight members. Members shall be qualified by experience and training to pass on matters pertaining to building construction and are not employees of the City of Birmingham. The Building and Fire Officials shall be ex-officio members. A Board member shall not act in a case that has a personal or financial interest.

110.2.2 Terms. The terms of office of the Board Members shall be six (6) years or until a replacement is appointed.

110.2.3 Quorum and Voting. Four members of the board shall constitute a quorum. In approving equivalency applications of any provisions of this Code or in modifying an order of the Building or Fire Official, affirmative votes of the majority present and voting, shall be required.

110.2.4 Secretary of Board. The Building Official shall designate the deputy or other employee of the Department of Planning, Engineering and Permits to act as Secretary of the Board and who shall make a detailed record of all of its proceedings, which shall set forth the

reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

110.3 Powers. The Construction Board of Adjustments and Appeals shall have the power, as further defined in 110.4 herein, to hear equal alternatives and equivalencies, appeals of decisions and interpretations of the Building or Fire Official and consider equivalencies of this Code. The Board shall also have the power to hear appeals of any person directly affected by a decision of the Code Official or a notice or order issued under the Property Maintenance Code of the City that is based on a claim that the true intent of the Property Maintenance Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of that code do not fully apply, or the requirements of that code are adequately satisfied by other means. The Board shall also hear the appeal of any person aggrieved by a decision of the City's Design Review Committee or of the inspector related to the application of design review standards in any commercial revitalization district of the City.

110.4 Appeals

110.4.1 Decision of the Building or Fire Official. The owner of a building, structure or service system, or his/her duly authorized agent, may appeal a decision of the Building or Fire Official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

110.4.1.1. The Building or Fire Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure, or service system.

110.4.1.2. The provisions of this Code do not apply to this specific case.

110.4.1.3. That an equally good or more desirable form of installation can be employed in any specific case.

110.4.1.4. The true intent and meaning of this Code or any of the regulations there under, have been misconstrued or incorrectly interpreted.

110.4.2 Equal Alternatives and Equivalencies. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may approve equivalency applications the application of any provision of this Code to any particular case when, in its opinion, the literal enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Code or public interest, and also finds all of the following:

110.4.2.1 That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

110.4.2.2 That the special conditions and circumstances do not result from the action or inaction of the applicant.

110.4.2.3 That granting the equivalency requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures, or service systems.

110.4.2.4 That the equivalency granted is the minimum requirement that will make possible the reasonable use of the building, structure, or service system.

110.4.2.5 That the granting of the equivalency will be in harmony with the general intent and purpose of this Code and will not be detrimental to the public health, safety, and general welfare.

110.4.3 Conditions of the Equal Alternatives and Equivalencies. In granting the equivalency, the Board may prescribe a reasonable time limit within which the action for which the equivalency is required shall be commenced or completed or both. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of an equivalency shall be deemed a violation of this Code.

110.4.5 Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building or Fire Official. Appeals shall be in a form acceptable to the Building Official and accompanied by a non-refundable check in the amount of \$150.00.

110.4.6 Unsafe or Dangerous Buildings or Service Systems. In the case of a building, structure, or service system which, in the opinion of the Building or Fire Official, is unsafe, unsanitary or dangerous, the Building or Fire Official may, in his/her order, limit the time for such appeals to a shorter period. Appeals shall stay all proceedings in furtherance of the action appealed unless the Buildings or Fire Official certifies in writing to the Board that the stay would, in his/her opinion, cause imminent peril to life or property.

110.5 Procedures of the Board.

110.5.1 Rules and Regulations. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code. The Board shall meet on call of the Chairman. The Board shall meet within 30 calendar days after notice of appeal has been received. Hearings before the Board shall be open to the public. The appellant, the appellant's representative, the respective official or city staff member charged with enforcement and any person whose interests are affected shall be given an opportunity to be heard. The rules and regulations of the Board shall be made available to the public through the Secretary. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

110.5.2 Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building, Fire or Code Official or varies the application

of any provision of this Code the Building, Fire or Code Official shall immediately take action in accordance with such decision. Every decision related to Articles I – VII of this Code shall be promptly filed in writing in the office of the Building Official with a duplicate copy filed with the Fire Official and shall be open to public inspection. Every decision related to Article VIII of this Code (Property Maintenance Code) shall be promptly filed in writing in the office of the Building Official with a duplicate copy filed with the Code Official and shall be open to public inspection. Every decision related to design review standards in commercial revitalization districts shall be promptly filed in writing in the office of the Building Official with a duplicate copy filed in the office of the Urban Design Administrator and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept in the office of the Building, Fire and Code Officials, as provided above. Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.”

111 - LICENSES AND BONDS

111.1 General. Before any person, firm, or corporation shall engage in fire protection, mechanical, electrical, plumbing, or gas fitting work within the City, County, and State they shall be qualified as set forth herein, and a license shall be obtained from the City, County, and State as required and proper bonds posted. Where electrical, plumbing, or gas fitting work is being done, a master or journeyman electrician, plumber, utility gas fitter or gas fitter shall at all times be present on the job, and in actual control and in charge of the work being done. In the case of utility gas fitters, they may only be in the employ of a public utility duly franchised in the City of Birmingham.

Exception: any firm or corporation licensed to do any work in connection with “limited energy” or other work approved by the Administrative Authority.

111.2 Registration. Any person registered as Master Plumber or Gas Fitter with the State of Alabama Plumbers and Gas Fitters Board may apply for and obtain permits, provided, they have obtained a business license from the City of Birmingham as required by the City ordinance and provided bonding as herein required is in effect.

111.3 Licensing of Electricians

111.3.1 Definitions. The term ‘electrical construction’, as used in this Code, shall be held to include all work and materials used in installing, maintaining, or extending a system of electrical wiring for light, heat or power and all appurtenance, apparatus or equipment used in connection therewith, inside of or attached to any building or structure, lot or premises. The term “electrical contractor”, as used in this Code, shall be held to mean a person who is engaged in the business of electrical construction and who is qualified under the terms and provision of this Code. The term “master electrician”, as used in this Code, shall be held to mean a person who possesses the necessary qualifications, training, and technical knowledge to plan, lay out, and supervise the installation of electrical wiring, apparatus and equipment for

light, heat, and power, as covered by the terms and provisions of this Code. The term “journeyman electrician”, as used in this Code, shall be held to mean a person who possesses the necessary qualifications, training, and technical knowledge to install electrical wiring, apparatus or equipment for light, heat, or power, as covered by the terms and provisions of this Code, also he shall be capable of doing said work according to plans and specifications furnished to him/her and in accordance with standard rules and regulations governing such work. The term “apprentice electrician”, as used in this Code, shall be held to mean a person who is engaged in the electrical industry in the capacity of assistant to a journeyman electrician. The term “direct supervision”, as used in this Code, shall be held to mean supervision by the supervisor while on the same premises or under the same roof with the supervised. The term “maintenance electrician”, as used in this Code, shall be held to mean a person who possesses the necessary qualifications, training, and technical knowledge to maintain electrical wiring, apparatus or equipment for light, heat, or power, as covered by the terms and provisions of this Code; he shall be capable of performing such maintenance work in accordance with standard rules and regulations governing such work; and, he shall be a person who is regularly employed, to maintain and make necessary repairs to the existing building or premises, owned or occupied, or controlled by the person, firm, company, or corporation by whom he is employed. The term “fire district”, as used in this Code, shall mean the district referred to in Appendix D of Article II.

111.3.2 All Electrical Examinations are conducted by the State of Alabama Electrical Contractors Board.

111.3.10 Reciprocity. Reciprocity shall be with the State of Alabama, Jefferson County and those deemed by the Building Official.

111.3.11 Apprentice Registration. Any person who shall apply for registration as an apprentice electrician upon form provided for that purpose by the City, shall be registered as such by the Chief Electrical Inspector without examination for the next succeeding calendar year upon payment to the Director of Finance of an annual fee of fifty dollars (\$50.00).

111.3.12 Renewal of Certificate of Registration. Every certificate of registration, whether master’s or journeymen, and whether original or renewal, shall be issued for only the calendar year in which issued and dated, and shall be of no force or effect in any subsequent calendar year. Any holder of an unrevoked and unsuspended master’s certificate for the current or preceding five (5) calendar years shall be entitled to a renewal certificate without examination for the next succeeding calendar year upon payment to the Director of Finance of a renewal fee of fifty dollars (\$50.00) for each of the preceding and current years. It shall be unlawful for any person to engage in the business of master electrician or electrical contractor in any period in which he does not hold an unrevoked and unsuspended master’s certificate. Any holder of an unrevoked and unsuspended journeyman’s certificate for the current or preceding five (5) calendar years shall be entitled to a renewal certificate without examination upon payment to the Director of Finance of a renewal fee of fifty dollars (\$50.00) for each of the preceding and current years. It shall be unlawful for any person to engage as a journeyman in any period in which he does not hold an unrevoked and unsuspended journeyman’s certificate.

A person may renew an unexpired registration by paying to the board before the expiration date of the registration the required renewal fee. If a person's registration has been expired for not longer than 90 days, the person may renew the registration by paying to the board the required renewal fee and a fee that is one-half of the examination fee for the registration. If a person's registration has been expired for longer than 90 days but less than two years, the person may renew the registration by paying to the board all unpaid renewal fees and a fee that is equal to the examination fee for the registration. If a person's registration has been expired for two years or longer, the person may not renew the registration. The person may obtain a new registration by submitting to re-examination and complying with the provisions for obtaining an original registration. Any holder of an unrevoked and unsuspended maintenance electrician's certificate for the current or preceding calendar year shall be entitled to a renewal certificate without examination for the next succeeding calendar year, upon payment to the Director of Finance of a renewal fee of fifty dollars (\$50.00). It shall be unlawful for any person to engage as a maintenance electrician for any person, firm, company, or corporation in any period in which he does not hold an unrevoked and unsuspended maintenance certificate.

111.3.13 Revocation and Suspension of Certificate of Competency. The Electrical Examining Board shall have the power to revoke any certificate if, after fair hearing, it be found that any false statement was made in the application or that actual practice under such certificate has demonstrated to the satisfaction of the Board that the holder thereof does not possess the qualifications necessary for issuance of a certificate after examination as provided in Section 111.3.3, Section 111.3.4, and Section 11.3.5; and revoked certificate shall not be reinstated within thirty days and without examination as provided in Section 111.3.3, Section 111.3.4, and Section 111.3.5. The Board shall have power to suspend any certificate for a definite period not exceeding sixty days if, after fair hearing, it determines that the holder has been guilty of any violation of the laws of the City relating to the electrical installation or construction or of any clearly incompetent workmanship.

111.3.14 Appeal from Action of Building Official.

111.4 Prerequisite to License. The Director of Finance shall refuse to issue a license to any person to engage in the business of gas, plumbing, mechanical or electrical construction and installation, unless such person holds a valid unrevoked and unsuspended master's certificate of competency, or certification of the Alabama State Board of Heating and Air Conditioning Contractors or has in his/her full-time employ a person who holds such master's certificate or certification. The Director of Finance shall also refuse to issue to any partnership a license to engage in such business unless said partnership shall have in its full-time employ, or as a member, a person who holds such master's certificate or certification. The Director of Finance shall also refuse a license to any corporation which has not in its full-time employ, a person who holds a master's certificate. Every such license shall stand suspended during any period in which the conditions requisite to issuance of a license do not prevail. Exception as required by 111.1.

111.5 Duty of Employer. No person, firm or corporation shall employ any person on any job in the capacity of a journeyman electrician, plumber, or gas fitter except as permitted for utility gas fitters in the employ of a duly authorized franchised public (gas) utility company, unless such person shall have in his/her possession a valid journeyman's certificate of registration, issued to him/her as hereinabove provided in this Code.

111.6 Unlawful to Do Business Without Certificate. It shall be unlawful:

(a) For any person other than a holder of a certificate of registration as an apprentice electrician, plumber, or gas fitter to do any electrical, plumbing or gas installation or construction work in the city; or

- 1) For any holder of a certificate of registration to employ as an assistant in any such work any person other than a holder of a certificate of registration or the holder of a certificate of registration as an apprentice electrician, plumber, or gas fitter; or
- 2) For any holder of a certificate of registration to require a registered apprentice electrician, plumber, or gas fitter to do any such work otherwise than under his/her direct supervision; or
- 3) For any registered apprentice electrician, plumber, or gas fitter to do any such work otherwise than while under the direct supervision of the holder of a certificate of registration; or
- 4) For any holder of a maintenance electrician's, plumber's or gas fitter's certificate to make any alterations or additions to the wiring, plumbing or gas systems of the person, firm, company, or corporation by whom he is employed; or
- 5) For an individual to perform plumbing or gas work upon his/her own premises, other than what is allowed in Section 101.3.5 Chapter 1

(b) To engage as a gas fitter or plumber for another person, firm or corporation while work is outstanding under permit issued to him/her while operating his/her own gas fitting or plumbing business.

(c) To engage in the business as gas fitter or plumber for himself/herself while permits are outstanding on work issued to another under his/her signature while acting as Master Gas Fitter or Plumber for such company, firm or corporation.

(d) To engage as a gas fitter or plumber for any company, firm or corporation while permits are outstanding for any other company, firm or corporation issued under his/her signature as Master Gas Fitter or Plumber.

(e) To operate two or more gas fitter or plumbing businesses and act as Master Gas Fitter or Plumber for both at the same time.

(f) To be employed by two or more gas fitting or plumbing businesses at the same time while acting as Master Gas Fitter or Plumber for either.

(g) Anything herein to the contrary notwithstanding, it shall not be unlawful for any public utility corporation operating under a franchise from the city to transmit and sell electrical energy, or any employee of such public utility corporation to do any such work as a part of the public utility business of such corporation.

111.7 Installation and Operation of Illegal Wiring of Equipment. It shall be unlawful for any person, firm, or corporation to permit the installation of any electrical wiring, apparatus, or other appurtenances upon his/her premises, works, ways, machinery, or plant except in strict accordance with all provisions of this Code; it shall be further unlawful for any person to maintain, operate or attempt to operate any electrical wiring, apparatus, equipment, or other appurtenances in or upon his/her premises, works, ways, machinery, or plant which has not been installed in strict accordance with this Code.

111.8 Reserved

111.9 Bond Required of Electrical Contractors. Before any person, firm, or corporation may engage in the business of installing, maintaining, or repairing electrical wiring, equipment, as an Electrical Contractor or in excavating or blasting within the City of Birmingham, he, it, or they, shall in addition to the requirements of competency, have a business license issued by the Municipal, City, and State authorities, also deposit with the Director of Finance and continuously maintain a good and sufficient bond in the sum of ten thousand dollars (\$10,000) to be approved by the Director of Finance, and made by surety company duly authorized to do business in Alabama. Said bond shall be conditioned that the person, firm, or corporation, to be known as the principal in said bond, shall faithfully observe all ordinances and laws of the City pertaining to said business or businesses, whether now or hereafter enacted, together with all rules and regulations established under the authority of said laws or ordinances; and shall perform in a workmanlike manner all work undertaken by said principal in the prosecution of said business or businesses; and shall indemnify and save harmless the said City from all liability occasioned or arising from acts done or omitted by said principal, its servants and agents, in doing said work or from any unfaithful or inadequate work; and shall adequately safeguard all ditches and excavations which may be opened by said principal in the streets and highways of said City; and shall restore, or cause to be restored, in a workmanlike manner, to their former condition, all such portions of said streets and highways excavated by said principal, and pay the expenses thereof; and shall maintain said restored portions in a safe condition for the period of one year from the date of such excavation; and shall defend all suits brought against the City based, in whole or in part, upon any act or default for which said principal is responsible, and pay the costs and expenses thereof, and shall pay all such damages as any person, firm, or corporation may sustain by reason of violation of said laws, ordinance or regulations by said principal, its servants, or agents, in the prosecution of said business or businesses. Any person, firm, or corporation injured in person or property by reason of any violation of said laws, ordinances, or regulations by said principal, or by an act, default, or omission constituting a breach of any of the conditions of this bond, may maintain a suit or action thereon for such injury. Said bond shall also provide that it may be canceled by the surety by giving the Director of Finance thirty (30) days' notice in writing prior to the

date of cancellation. Failure to comply with this section shall be cause for immediate revocation of the business license of the said person, firm, or corporation after first granting said person, firm, or corporation the right to a public hearing before the City Council. All contractors, subcontractors, permit holders shall have the required business license issued by municipal, city, county and state authorities before permit issuance.

111.10 Allowing One's Name, License, or Bond to be Used to Obtain Permit Fraudulently.

No person, firm, or corporation engaged in the electrical, plumbing or gas business shall allow his/her, its, or their name to be used by any other person, firm, or corporation, directly or indirectly, to obtain a permit for the construction of any work under his/her, its, or their name, license or bond; nor shall he, it or they make any misrepresentations or omissions in his/her, its, or their returns. No person holding a Master's certificate shall represent two or more businesses as such, nor shall he represent any other business as such while operating his/her own business.

112 RESERVED

113 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

114 VIOLATIONS AND PENALTIES

It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building structure or equipment regulated by this Code, or cause the same to be done, in conflict or in violation of any of the provisions of this Code.

The Building Official, Code Official or Fire Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

If the notice of violation is not complied with promptly, the Building Official, Code Official or Fire Official is authorized to request the City Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code of the order or direction made pursuant thereto.

Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, fire protection, electrical, elevator, escalator, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, elevator, escalator, fire protection systems, flammable liquid use or storage, electrical, gas, hazardous materials use or storage, mechanical or plumbing system, or conduct processes which produce hazards to life and property, in violation of a detailed statement or drawing submitted and permitted there under, shall, upon conviction, be punished as provided by Section 1-1-6 of the General Code of the City of Birmingham. In all cases where penalties or forfeitures are provided for any act or omission, they shall apply to each such act or omission and when that act or omission is of a continuing character, they shall apply to each day's continuance thereof.

ARTICLE II

BUILDING CODE

The provisions of the *International Building Code*, 2021 Edition, published by International Code Council as amended in Article I and herein shall apply to the construction, alteration, 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.

R-X USE BUILDING CODE AMENDMENT

Community Villages - Modify IBC Sections 302.1, 310.5, 903.2.8, 907.2.11. Add Section 429. Corresponding changes will be required to Chapter 9 of the IBC and IFC.

1. Modify Section 302.1 Occupancy Classification adding Group R-X

Residential: (See Section 310): Groups R-1, R-2, R-3, R-4, and R-X.

2. Add Section 310.6 Residential Group R-X:

310.6 Residential Group R-X. A residential Group R-X occupancy is a group of two or more detached buildings, each building consisting of a single sleeping unit, where the occupants are primarily permanent in nature. A Group R-X sleeping unit shall not contain cooking facilities. Except as otherwise required by Section 429, residential Group R-X occupancies shall be permitted to be constructed in accordance with the International Residential Code. Group R-X buildings shall not be more than one story above grade plane in height. Basements are prohibited in Group R-X buildings.

A detached community building with cooking facilities and a dining area is required to be provided with a Group R-X occupancy project. Storage for each resident shall be provided within the sleeping unit, the shared community building, or in a separate storage building.

3. Add Section 429 Residential Group R-X:

CHAPTER 4

SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

Chapter 4 of the *International Building Code* is hereby amended by adding the Operating Features for each occupancy classification, as detailed by NFPA 101, 2021 Life Safety Code.

Section 429 Residential Group R-X

429.1 General. A Group R-X sleeping unit shall comply with Sections 429.2 through 429.16.

429.2 Individual sleeping unit floor area. The habitable floor area of an individual sleeping unit shall be not less than 70 square feet. The minimum interior dimension of the habitable area of an individual sleeping unit shall not be less than 7 feet. A Group R-X sleeping unit shall be 400 square feet or less in floor area, excluding lofts.

429.3 Maximum Occupant Load. The maximum occupant load within a sleeping unit shall be limited to one person per 50 square feet of habitable floor area. Habitable floor areas shall have a ceiling height of not less than 7 feet 6 inches above the finished floor.

429.4 Building Separation Distances. The minimum separation between individual sleeping units is 10 feet. The separation distance between sleeping units and the community building or any storage building shall comply with the provisions of Section 705.3. A sleeping unit and the community building shall not be considered portions of a single building. A sleeping unit and a storage building shall not be considered portions of a single building. To apply the provisions of Section 705.3 the sleeping units shall be considered a Group R-3 occupancy.

Exception: Reduced building separation distances shall be considered when exterior walls complying with the requirements of Section 705 are incorporated into the construction of the sleeping units. For the purpose of applying the provisions of Section 705.3, the imaginary line between two sleeping units shall be centered between the buildings.

In no case shall the separation between buildings be reduced to less than 5 feet. The minimum separation distance between roof overhangs is 4 feet.

429.5 Fire Apparatus Access Roads. Approved fire apparatus access roads complying with the requirements of IFC Section 503 shall extend to within 150 feet of all portions of any sleeping unit and all portions of the exterior walls of the sleeping units, as measured by a BFD approved route around the exterior of the sleeping units. To apply the provisions of IFC Table 503.2.1 Minimum Clear Widths for Existing Emergency Fire Apparatus Access Roads, Group R-X occupancies shall be considered single-family detached buildings without alleys or driveways that extend to the road. The installation of a security gate across a fire apparatus access road must be approved by the fire code official.

429.6 Individual Sleeping Unit Address. Individual sleeping units shall be provided with approved address identification in accordance with IFC Section 505. A permanent weatherproof sitemap identifying the address numbers of the sleeping units shall be provided at the entrance into a campus of sleeping units.

429.7 Sleeping unit exterior stairway illumination. The exterior stairway of a sleeping unit shall be provided with a light source located at the top of the stairway.

429.8 Fire Hydrants. All portions of any sleeping unit must be located no more than 600 feet from a fire hydrant. Hydrants must provide a fire-flow as defined in the table below at a minimum residual pressure of 20 psi.

Table 429.7 Required Number of Hydrants and Fire-Flow

<i>Aggregate floor area of buildings Duration</i> on the site (square feet) (hours)_____	<i>Minimum Number of Hydrants Required</i>	<i>Hydrant Fire-Flow</i>	<i>Flow (gpm)</i>
0 - 3,600	1	1,500	1_____
3,601 – 4,800	1	1,750	1_____
4,801 – 6,200	2	2,000	2_____
6,201-7,700	2	2,250	2_____

429.9 Fire protection. Smoke alarms shall be provided in accordance with Section 907.2.11.2. To apply the provisions of Section 907.2.11 the Group R-X sleeping units shall be considered a Group R-1 occupancy.

429.10 Accessibility. Where there are four or more sleeping units on a site at least one sleeping unit shall be a Type B unit. Accessibility shall be designed in accordance with Chapter 11. In Group R-X occupancies with 20 or more sleeping units on one site, at least 5 percent but not less than one of the sleeping units shall be a Type B unit.

429.11 Plumbing facilities. The sleeping units shall be provided with minimum plumbing facilities as specified by Chapter 29, for a residential dormitory classification, except that a single bathtub or shower is permitted to serve up to 10 sleeping units. Where a group of sleeping units includes a Type B unit, the plumbing fixtures shall be accessible. The path of travel to these facilities shall not exceed 200 feet from any sleeping unit or from the community building.

Only potable water shall be supplied to plumbing fixtures that provide water for drinking, bathing, or cooking purposes. A potable water supply system shall be designed, installed and maintained in such a manner to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross connections or any other piping connections to the system.

The community building shall provide a water dispenser that is manually controlled by the user for dispensing potable drinking water into a receptacle such as a cup, glass, or bottle. Such fixture shall be connected to the potable water distribution system of the premises. This definition includes a free-standing apparatus for the same purpose that is not connected to the potable water distribution system and that is supplied with potable water from a container, bottle or reservoir.

The community building shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

429.12 Group R-X cooking facilities. Domestic cooking appliances, within a community building accessory to Group R-X sleeping units, for use by the residents shall be in compliance with all of the following:

1. The types of domestic cooking appliances shall be limited to ovens, cooktops, ranges, warmers, coffee makers and microwaves.
2. Domestic cooking appliances shall be limited to approved locations.
3. Cooktops and ranges shall be protected in accordance with Section 904.13.1.
4. Cooktops and ranges shall be provided with a domestic cooking hood installed and constructed in accordance with Section 505 of the International Mechanical Code.

429.13 Lofts. Lofts used as sleeping or living space within a Group R-X sleeping unit shall conform to the requirements of International Residential Code Appendix Section AQ104.

429.14 Temporarily placed relocatable sleeping units and associated buildings. Temporarily placed relocatable sleeping units and associated buildings shall comply with the provisions of IBC Section 3103.

Exceptions:

1. Where approved by the building official, temporary structures and relocatable buildings may be placed on a site for a period of up to four years without a permanent foundation.
2. Where approved by the Building and Fire Official, temporary structures and relocatable buildings may be placed on a site for a period of up to 180 days without being connected to a public water supply and without the sanitary drainage from plumbing fixtures being connected to a public sewer. There may be one 180-day extension granted by the Building and Fire official when required. A formal request must be submitted thirty (30) days prior to the required vacancy. Where a water tank is used to supply potable water to plumbing fixtures, the interior surface of the tank shall be lined or coated to conform to NSF International standard NSF-61. The interior surface of a potable water tank shall not be lined, painted, or repaired with any material that changes the taste, odor, color or potability of the water supply when the tank is placed in, or returned to, service.

429.15 Outside Storage. Outside storage of combustible materials and hazardous materials, including aerosols and propane, between adjacent sleeping units is prohibited.

429.16 Existing Sleeping Units. The legal occupancy of any existing sleeping unit on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or the International Fire Code, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.

4. Modify IBC Section 903.2.8 Group R:

An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: Group R-X occupancies

CHAPTER 10

1010.2.12 Sensor release of electrical locks on egress doors. Add the following to item #4. Required signage shall be located above and within 12-inches of the release device and the release device shall be in same plane as the door

CHAPTER 13

Energy Conservation Code Compliance Method - Com-Check shall be submitted with Plans that are submitted for Building Permitting. Additional information may be required as determined by the Building Official. Inspection compliance shall be verified by the Design Professional or an approved agency that is acceptable to the Building Official.

CHAPTER 27

Electrical - The provisions of the National Electrical Code, 2020 Edition, published by the National Fire Protection Association, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

CHAPTER 31

3107 Signs

Section 3107 of the 2021 IBC Building Code is hereby deleted, and a new section 3107 substituted as follows:

3107.1 Permits

a) No sign as defined in the City's Zoning Ordinance shall hereafter be erected, constructed, altered, or maintained except as provided in this Code, until after permit for the same has been issued by the Building Official as specified in Article I and the fee paid as specified in Article V, Fees.

a) Exemption--No permit fee shall be required for signs listed as exempt in the City of Birmingham Zoning Ordinance.

3107.2 Signs Projecting over Public Property

Signs projecting from a building or extending over public property shall comply with all applicable sign regulations as set forth in the City of Birmingham Zoning Ordinance and require a right-of-way use agreement be approved by City Council.

CHAPTER 32

ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

3201.1 GENERAL

The provisions of this chapter shall govern the encroachment of structure into public right-of-way.

That certain walls, solar screens, and/or decorative screens shall maintain a clear height of ten (10) feet. The allowable projection over public property shall not exceed the following measurements from the building, and require a right-of-way use agreement be approved by the City Council or vacation of air rights:

Bay windows, porches, balconies, fire escapes – 3 feet.

Curtain walls, cornices, belt courses, sills, plasters, water tables or any decorative feature – 6 inches, except that decorative feature used in conjunction with curtain walls may project twelve (12) inches.

Solar screens and/or decorative screens – 2 feet. Where solar screens and/or decorative screens are installed, they shall have no loads imposed other than their own weight.

Upon written request, or submission of a subdivision plat to the Subdivision Committee, the Council of the City of Birmingham may grant a vacation of air rights for the construction of a bridge across an alley or street connecting two buildings provided the bridge be of Type IIB, Noncombustible Construction. Said bridge shall not interfere with the use and purpose of the public alley or street and shall meet all of the following conditions:

1. The maximum width shall not exceed twenty-five (25) feet.
2. The minimum height above alley or street grade shall be sixteen (16) feet.
3. Separation shall be provided from adjoining buildings by minimum of 2-hour fire-rated walls and 1 ½ -hour fire doors.
4. Openings in the building wall which are 10 feet horizontally or vertically from the walkway shall be protected by approved three-quarter hour fire resistance-rated automatic opening protectives.
5. The maximum height above grade shall be limited to three stories or 40 feet or five stories or 55 feet when sprinklered.

3201.2 MEASUREMENT

Public property shall be maintained clear of any and all obstructions, including among others, posts, and columns, unless approved by the Department of Planning and Engineering. The projection of any structure or portion therefore shall be the distance measured horizontally from the lot line to the outermost point of the projection.

**CHAPTER 33
SAFEGUARDS DURING CONSTRUCTION**

SECTION 3303

Section 3303 of the IBC is hereby deleted, and a new section 3303 is hereby substituted.

**SECTION 3303 - MOVING OF BUILDINGS
AND DEMOLITION OF BUILDINGS**

3303.1 GENERAL

No building or part of any building shall be moved through or across any sidewalk, street, alley, or highway except as provided in the Code of Alabama 1975, or be wrecked, demolished, or otherwise torn down within the City Limits without first obtaining a permit from the Building Official. Failure to obtain the permit is a violation of this Code. Applicants are responsible for complying with Code of Alabama 1975, Title 37, Chapter 15, as now or hereafter amended, which references the locating of underground utilities.

- (a) **Class I Demolition** - The demolition of any building or structure or part thereof of two (2) stories or less and 100,000 cubic feet or less in volume.
- (b) **Class II Demolition** - The demolition of any building or structure or part thereof of more than two (2) stories or more than 100,000 cubic feet in volume.
- (c) **Building moving permits.**

3303.2 WRITTEN APPLICATION MUST BE FILED FOR A BUILDING RELOCATION PERMIT

- (a) Any person desiring to move a building shall first file with the Building Official a written application setting forth the following information:
 - 1) Type and kind of building to be moved.
 - 2) The original cost and present assessed value as determined by the county tax assessor 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 street numbers, and by metes and bounds, or, if subdivided, by lot, block and subdivision or parcel identification Number.
 - 5) The approximate time such building will be upon the streets and the proposed route that will be taken from present location to new location.
 - 6) Information showing the availability of public liability coverage to the extent hereinafter required.

(b) Any person desiring to wreck, demolish, or otherwise tear down a building or structure or part thereof shall first file with the Building Official a written application setting forth the following information:

- 1) Type and kind of building to be wrecked, demolished, or otherwise torn down and if partial demolition, detailed description of the portion to be demolished.
- 2) Extreme dimensions of the length, height, and width of the building.
- 3) Its present location by street numbers, and by metes and bounds, or, if subdivided, by lot, block, and subdivision or parcel identification number.
- 4) The present location of the building with relation to streets, sidewalks, and other adjacent public ways.
- 5) Information showing the availability of public liability coverage to the extent hereinafter required.
- 6) Environmental Service Permit verifying that the sewer was plugged.
- 7) Soil Erosion Permit when determined by the building official.

3303.3 SEWERS AND UTILITIES

(a) No work shall be commenced to demolish any building or structure until all utilities have been disconnected by the respective utility companies and the building sewer plugged through Jefferson County Environmental Services, inspected and approved. Except, that when it can be proved to the Building Official that the plugging of the sewer is not possible or feasible prior to beginning work, he may give written permission to proceed with the demolition work in such manner and under such provisions as he may determine to be necessary to properly protect the sewer system of the City of Birmingham.

(b) No work shall be commenced to prepare any building for moving until all utilities have been disconnected by the respective utility companies, and no work shall be accomplished except that work necessary to raise and load the building on house moving equipment until the building sewer has been plugged, inspected, and approved through Jefferson County Environmental Services or other authorized agent. In no case shall the building drain be disconnected or broken in such a manner as to allow dirt, debris, or surface water to enter the sewer system of the City of Birmingham. A building being moved shall have the address it is being moved from attached.

(c) Failure to disconnect utilities as required is a violation of this Code.

3303.4 BUILDING OFFICIAL SHALL REJECT WHEN

If, in the opinion of the Building Official, 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 to be moved has deteriorated more than twenty-five percent 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 of the City, the permit shall not be issued and the building shall not be moved over the streets of the City. Any building being moved for which permit was granted shall not be allowed to remain in or on the streets, alleys, highways, right of way, sidewalks or any property of the city of the City for more than six (6) hours.

3303.5 BOND REQUIRED

(a) The Building Official, as a condition precedent to the issuance of a permit to move a building, shall require a bond in the minimum amount of Five Thousand Dollar (\$5,000.00), or an amount as otherwise determined by the Building Official depending on location and size of the structure, to be executed by the applicant desiring such removal permit with corporate surety authorized to engage in the business of writing surety bonds in the State of Alabama. Such bond shall name the City as obligee and shall indemnify the City against any damage caused by the moving of such building to streets, curbs, sidewalks, shade trees, highways, sewers, and any other City property which may be affected by the moving of the building and provide for the cost of moving buildings which are deposited in locations other than the permitted location. Such surety bond shall also be conditioned upon and liable for the strict compliance with the terms of said permit as to the route to be taken and limit of time in which to effect such removal and to clear the lot on which the building was situated of all debris occasioned by its removal, and to repair or compensate for the repair of any damage to City property or public improvements, and to pay said City, as liquidated damages, the amount of Five Hundred Dollars (\$500.00) for each and every twenty-four hour period or part thereof such building remains upon a public street, alley, highway, right of way, sidewalk or property of the city or unapproved location in excess of six hours; provided, however, that in lieu of a separate bond for each permit, a bond conditioned as above provided and issued by a corporate surety as hereinabove provided, in an amount of not less than Ten Thousand Dollars (\$10,000) may be accepted by the Building Official to cover all such permits issued to the principal named therein during the time such bond remains in force and effect; and provided further that the amount of such bond shall at all times be in an amount which is not less than Five Thousand Dollars (\$5,000.00) multiplied by the number of such permits issued to said principal within the immediately preceding thirty (30) days; and provided further that the Building Official may require of the principal an increase in the amount of any bond whenever, in his/her opinion, additional security is required to protect the City.

(b) The Building Official, as a condition precedent to the issuance of permit to wreck, demolish, or otherwise tear down a building, shall require a bond in the minimum amount of Two Thousand Dollars (\$2,000.00) for a single family residence and Ten Thousand Dollars (\$10,000) for a commercial structure, to be executed by the applicant desiring such demolition permit with corporate surety authorized to engage in the business of writing surety bonds in the State of Alabama. Such bonds shall name as obligee the City and shall indemnify the City against any damage caused by the demolition of such buildings to streets, curbs, sidewalks, shade trees, highways, sewers, and any other City property which may be affected by the demolition of such buildings. Such surety bond shall also be conditioned upon and liable for strict compliance with the terms of said permit as to the time in which to affect such demolition,

and to repair or compensate for the repair of any damage to City property or public improvements, and in clearing all public streets, alleys and highways, and in cleaning and clearing the lot on which the building was demolished, of all debris occasioned thereby; provided, however, that in lieu of a separate bond for each such permit, a bond conditioned as above provided and issued by a corporate surety authorized to write surety bonds in the State of Alabama to cover all such permits issued to the principal named therein during the time such bond remains in force and effect; and provided further that the amount of such bond shall at all times be in an amount which is not less than Two Thousand Dollars (\$2,000.00) multiplied by the number of permits issued to said principal within the immediately preceding thirty (30) days; and provided further that the Building Official may require of the principal an increase in the amount of any such bond whenever, in his/her opinion, additional security is required to protect the City.

(c) Failure to obtain the required bonds is a violation of this Code.

3303.6 PUBLIC SAFETY REQUIREMENTS

(a) Lights Required

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. Failure to provide the lights will be a violation of this Code.

(b) Number and Location

There shall be a minimum of five (5) 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. Failure to provide the lights will be violation of this Code.

(c) Escort Flagmen Required

When a building is moved between sunset and sunrise, or when, in the opinion of the Building Official, flagmen are necessary to divert or caution traffic, the person, firm, or corporation moving such building shall employ, at their expense, two flagmen, one of which must be a policeman in uniform having full police power within the City of Birmingham. One flagman must be stationed at the intersections immediately ahead of and behind the building. The flagmen shall remain at these intersections diverting and cautioning traffic from sunset to sunrise. Red lights shall be employed in flagging traffic at night. Failure to provide the flagmen will be a violation of this Code.

(d) Report Required

The person, firm, or corporation having moved a building is hereby required to report the move to the Building Official by 10 o'clock A.M. on the morning after the building is moved or if the Building Official's office is closed, the report must properly identify the building, the time it was placed on the lot or reached the City Limits of Birmingham. Said report shall indicate any and all damages as a result of the moving of the building. It shall be required that this report be confirmed in writing, on forms furnished by the Building Official, within not less than 48 hours after the report is given to the Building Official as herein required, and it shall

be duly signed by the persons, firm, or corporation who moved the building and the policeman in uniform who escorted the move. Failure to provide this report as required is a violation of this Code.

(e) Duties of Police Escort

It shall be the duty of the policeman in uniform who escorts any house moved through the streets of the City of Birmingham, to first determine that the person, firm, or corporation moving the building has been issued a valid building permit from the City of Birmingham to move said building, and that it is being moved along the route designated in said permit and that it is being moved within the time limit stipulated on said permit. Failure of the applicant to ensure police escort is a violation of this Code.

(f) Minimum Liability Insurance Required:

Anything herein to the contrary notwithstanding, no work shall be performed under a permit to move a building, or a permit to wreck, demolish, or otherwise tear down a building requiring Class II demolition permit, during any period of time when there is not in full force and effect a public liability insurance policy written by an insurance company authorized to write policies of liability insurance in the State of Alabama, covering the applicant, and the applicant's servants, agents, and employees, with minimum coverage of One Hundred Thousand Dollars (\$100,000.00) for property damage and One Hundred Thousand Dollars (\$100,000.00) for personal injury or death of one person and with Two Hundred Fifty Thousand Dollars (\$250,000.00) as liability coverage resulting from any one accident. The applicant shall deliver to the Building Official, prior to beginning of any work under any such permit, a Certificate of Insurance showing the existence of such coverage, which Certificate shall contain a provision that the insurance coverage shall not be canceled without at least five (5) days prior notice thereof being given by the insurance company to the Building Official. Failure to obtain and maintain required insurance is violation of this contract.

(g) Lot Preparation

Where a building or structure has been demolished or removed from any lot, it shall be the responsibility of the holder of the demolition or house move permit to repair the lot to a safe and sanitary condition. These repairs shall meet the approval of the Building Official or his/her agents, and shall include, but not be limited to, the following:

- 1) Remove all organic material, trash, and weeds from the premises.
- 2) All basements, cavities, pits, or other similar conditions shall be filled with inorganic material. All such fill material shall have a minimum cover of 8 inches of earth.
- 3) All concrete slabs shall be removed, and the lot shall be graded to a reasonably smooth finish and filled so that no surface water will stand.
- 4) Septic Tanks shall be dismantled according to Jefferson County Health Department Regulations.
- 5) Failure to prepare the lot as required is a violation of this Code.

3303.7 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 Building Official upon a showing of delay caused by matters beyond the control of the owner or house mover. The application for the moving permit shall be accompanied by an application for a building 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.

3303.8 UNAPPROVED BUILDING MOVES.

Any house, building, or structure moved to an unapproved location will be subject to the emergency procedures provided to the Building Official and subject to the removal or demolition by the City of Birmingham. Costs of such removal may be recovered from salvage of the structure and associated moving equipment, insurance or bonding as required herein. Any contractor performing such moves will be denied any additional moving permits for a period of one year or be subject to Section 114 where each and every day shall be considered a separate violation.

(add Section 3304.2 as follows:)

3304.2 Soil Erosion and Sediment Control

One Lot Single Family Residential Projects with disturbed ground surface shall provide best management practices (BMPs) to prevent sediment and trash from leaving the site. These BMPs shall include sediment barriers, stone exit pads and surface stabilization.

The sediment barriers shall be silt fence, wattles, or other barriers to prevent sediment from leaving the site in stormwater runoff. Stone exit pads shall be provided to prevent sediment from leaving the site by vehicle or machine wheel tracking. Temporary surface stabilization with mulch, temporary seeding or hydroseeding shall be provided within 14 days of non-grading activities. Permanent surface stabilization shall be provided by established grass, solid sod, or other permanent ground cover prior to final acceptance.

Trash and debris shall be collected daily and disposed of in an approved manner and location.

All BMPs shall be installed and maintained per the *Alabama Handbook of Erosion Control and Stormwater Management of Construction Sites and Urban Areas*

All Commercial, Industrial or Industrial Construction Projects with disturbed ground surface two hundred square feet or more, shall provide a best management practice plan (BMP Plan) that meets the City of Birmingham Soil Erosion and Sediment Control Ordinance, The

Alabama General NPDES Permit, and the *Alabama Handbook of Erosion Control and Stormwater Management of Construction Sites and Urban Areas*.

All BMPs shall be installed and maintained per the *Alabama Handbook of Erosion Control and Stormwater Management of Construction Sites and Urban Areas*.

APPENDIX D

Appendix D of the 2021 International Building Code is hereby adopted.

Section D101 of Appendix D is hereby deleted with no substitution.

FIRE DISTRICT BOUNDARY

For the purpose of this Code, the Fire District within the City of Birmingham established by Ordinance is as follows:

Beginning at the intersection of 11th Avenue North and 17th Street North; then East along 11th Avenue to 25th Street North; then South along 25th Street to 10th Avenue North; then East along 10th Avenue to the Red Mountain Expressway; then South along the Red Mountain Expressway to 8th Avenue South; then West along 8th Avenue to 22nd Street South; then South and East along 22nd Street to Highland Avenue Alley to 21st Place South; then South along 21st Place to 15th Avenue South; then West along 15th Avenue to 19th Street South; then North along 19th Street to 12th Avenue South; then West along 12th Avenue to 15th Street South; then North along 15th Street to 11th Avenue South; then West along 11th Avenue to 8th Street South; then North along 8th Street to Interstate 65; then North along Interstate 65 to 8th Avenue North; then East along 8th Avenue to 17th Street North; then North along 17th Street to 11th Avenue North and the point of beginning.

ARTICLE III

INTERNATIONAL RESIDENTIAL CODE

Delete Chapter 11 Energy Efficiency and all references to the codes shall not apply

Section R313 – Automatic Fire Sprinkler Systems

Delete this section without substitution

ARTICLE IV

INTERNATIONAL FUEL GAS CODE

No Local Amendments

INTERNATIONAL MECHANICAL CODE

Section 309 Temperature Control

309 Space Heating Systems. Interior spaces intended for human occupancy shall be provided with active or passive systems capable of maintaining an indoor temperature of not less than 68 degrees F at a point 3 feet above the floor on the design heating day. The installation of portable space heaters and window units equipped with heating shall not be used to achieve compliance with this section.

Exceptions: Space heating systems are not required for:

1. Interior spaces where the primary purpose of the space is not associated with human comfort
2. Group F, H, S or U occupancies

ARTICLE V

PERMIT AND INSPECTION FEES

GENERAL

In calculating permit fees, the minimum charge for any permit will be no less than one-hundred-twenty-five dollars (\$125.00) regardless of the amount hereafter indicated for individual items. Belated billing charges shall be double the regular fee but in no case less than double the minimum indicated above.

Reinspection fees

(When necessitated by faulty materials, equipment, apparatus or workmanship)

Per inspection	\$125.00
All additional reinspection's, each	\$125.00
Address correction	\$125.00
Consultation Fee	\$150.00
Delayed Inspection Fee	\$100.00
Belated Billing Fee: a belated billing fee shall be a second billing for work or services where more than 30 days have expired since the date of the original fees due notice the original fees due notice.....	\$50.00

Weekends or After-Hours Inspections:

Fees for after-hours or weekend inspections shall be in addition to all other fees. The minimum fee shall be \$50.00 for the first hour of portion thereof, plus \$50.00 for each additional hour or portion thereof. Travel time will be added to the inspection time. When not in conjunction with normal working hours (weekend/holidays), the minimum fee shall be \$300.00 for the first four hours or portion thereof.

Temporary / Permanent Utilities for Commercial Projects:

Required when needed to release meters in order to complete required inspections. This will stay in the Contractors name until final inspection.

Electrical Meter	\$125.00
Gas Meter	\$125.00

Refunds of the permit fee:

The Director of Finance of the City of Birmingham is authorized to make refund of amounts paid for permits issued under this Code at any time within ninety (90) days after the issuance of said permits provided the Director of the Department of Planning, Engineering and Permits, or such other department which may be assigned by ordinance of the City Council the duty of enforcing this Code, certifies to said Director of Finance as follows:

- a) That the permit for which the refund is requested has been canceled and no work begun there under and the permit was issued in error by the City, not the Applicant; or,

- b) That the inspection for which a refund of fee theretofore paid is requested, has not been made and is not to be made. Any refund made under the provision of this section shall be subject to an administrative charge of one hundred (\$100.00), which amount shall be deducted from the amount of refund. Unless a written request and the permit holder's copy of the permit has been submitted to the Director of the Department of Buildings and Inspection, or such other department which may be assigned by ordinance of the City Council the duty of enforcing this Code, within ninety (90) days from the date of issuance of such permit, no refund will be made.
- a) **Fire Permits** (see Article VII): That the inspection for which a refund of fee theretofore paid is requested, has not been made and is not to be made. Any refund made under the provision of this section shall be subject to an administrative charge which shall be the Fire Permit fee as set out in Article VII, Fire Permit Fees, which amount shall be deducted from the amount of refund. A written request and the permit holder's copy of the permit has to be submitted to the Fire Official within ninety (90) days from the date of issuance of such permit, or no refund will be made.

A Plan Review Fee shall also be required when plans are required to be reviewed before permit issuance. Plan Review Fees are due at the time of application.

A. Plan Review Fee Schedule Commercial Work

Valuation	Fee
\$0 - \$10,000.00	\$150.00
\$10,001.00 - \$50,000.00	\$350.00
\$50,001.00 - \$100,000.00.....	\$700.00
\$100,001.00	\$700.00 Plus
	\$1.50 for each \$1000.00 of the estimated value in excess of \$100,001.00

Revised Plans

A minimum fee of \$125.00 for a maximum of three pages, plus \$20.00 for each additional page shall be paid for the submittal of revised plans after a permit is issued and shall be in addition to any other required fees.

Investigations:

For investigations or inspections necessary to determine compliance with other codes and ordinances of the City of Birmingham when required by law and a fee schedule is not otherwise established a minimum fee of \$200.00.

Records Research \$100.00 minimum fee plus \$50.00 per hour or part thereof after, where requests require research of multiple records or archives that will require significant time for investigation, identification, compilation and production of records.

Duplicate Certificate of Use & Occupancy

For the issuance of any duplicate Certificate of Use & Occupancy\$150.00

BUILDING PERMIT FEES:

Building permit fees shall be determined at a rate of \$9.50 per \$1000 valuation. This does not include other fees required by other departments or agencies. The applicant shall provide an estimated permit value at the time of making application. **New Projects and Additions** total project costs are paid by the general contractor. General contractors shall provide a list of subcontractors whose fees are included in the building permit value for new buildings and additions. Trades listed as covered under the general contractor will only incur a processing fee at time of their permit issuance. **Alterations and Repairs** require all trades to pay fees based on the value of their work. Permanent systems and permanent equipment require separate review and permitting. Grading work shall be permitted according to Title 4, Chapter 7 of the General Code of the City of Birmingham.

NOTE:

An additional fee in the amount of \$1.00 per \$1000 valuation shall be collected on any nonresidential construction building permit issued by the city and remitted to the Division of Construction Management of the Alabama Department of Finance, as required by Ala. Code, 1975, § 41-4-413, for the state Craft Training Fund.

BUILDING PERMIT FEE SCHEDULE

**Heating apparatus, incinerators, boilers
burning solid or liquid fuel and air
conditioners, or**

evaporator air coolers \$9.50 per \$1000 valuation

Awnings \$9.50 per \$1000 valuation

Suppression and Fire Detection Systems \$9.50 per \$1000 valuation
Fire Sprinkler Systems, Fuel Tanks, Fire Alarm Systems, and Fire Extinguishing Systems

Gasoline Dispensers

Permit to install a gasoline dispenser/meter\$100.00

Reinspection fee on a new gasoline dispenser installation shall be the same as the cost of the original permit.

Signs Permit fees for all signs listed include both an application fee and a sign face fee. The total fee amount for any sign is the sum of the two component fee items:

A. Sign Application Fee

To erect a sign of any type.

Fee Per Sign.....\$175.00

Plus

B. Sign Face Fee.....\$1.50 per square foot of sign face

Moving of Buildings

Permit to move a building through or across any public street, alley, or highway

.....\$400.00

Fees for Certificates

Certificate of Occupancy\$150.00

Partial Certificate of Occupancy\$150.00

Certificate of Completion\$150.00

Temporary Certificate of Occupancy\$150.00

New Certificate of Use & Occupancy

Applications for a new Certificate of Use & Occupancy when the occupancy of any building or structure is changed or when a building or structure has been condemned by City Council shall require the payment of a \$300.00 inspection fee at the time of application unless a building permit for alterations exceeding \$10,000 is issued.

Tents

Permits for a temporary commercial or assembly

Tent – thirty-day maximum\$150.00

Parking Lots

For the installation of commercial parking lots and off-street parking areas when the installation is not included as a part of an active

building permit \$9.50 per \$1000 valuation

(Exception: off-street parking areas for one- and two-family dwellings.)

Temporary structures, other than for construction, \$125.00 for each six-month period of approval. Construction trailers as part of a site clearing or permitted construction projects do not require a separate temporary structure permit but utilities for the trailer must be permitted, as provided herein.

Partial permits (Article I – Sec. 103.4.3).....\$50.00 plus the fee for the Building Permit.

Demolition Permit

Class I Demolition \$150.00

Class II Demolition\$0.50 per 1,000 cubic feet
(\$750.00 minimum)

Issuance Fee for Trade Permits under a General Building Permit for New Construction or

Addition \$125.00

PLUMBING PERMIT FEES	\$9.50 per \$1000.00 valuation for alterations
Minimum permit fee.....	\$125.00
GAS PERMIT FEES	\$9.50 per \$1000.00 valuation for alterations
Minimum permit fee.....	\$125.00
ELECTRICAL PERMIT FEES	\$9.50 per \$1000.00 valuation for alterations
Minimum permit fee.....	\$125.00
MECHANICAL PERMIT FEES	\$9.50 per \$1000.00 valuation for alterations
Minimum permit fee.....	\$125.00
ELEVATOR PERMIT FEES	
New installations	Per State Regulations
Erection of Personnel Hoists	\$100.00
Reinspection of Personnel Hoist	\$100.00
Barricade permit fee (other than excavation)	\$200.00
Design Review Fees	
Historic Preservation Review	\$35.00
Design Review in Commercial Revitalization District	\$35.00

ARTICLE VI FIRE CODE AND LIFE SAFETY CODE

The provisions of the *International Fire Code*, 2021 Edition, published by the International Code Council and the *NFPA 101-Life Safety Code*, 2021 Edition, as described in Article II and Article VI of this Code, published by the National Fire Protection Association, as amended herein shall apply to all buildings, structures, vehicles, premises, conditions, the construction, alteration, 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.

INTERNATIONAL FIRE CODE AMENDMENTS

Chapter 1

Is hereby deleted and is substituted with Article I, Part Two of this code, and the following sections:

F101 – GENERAL

F101.1 Scope. This code establishes regulations affecting or relating to structures processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials, or devices.
2. Conditions hazardous to life, property, or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy or operation.
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

F101.2 Intent. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

F101.3 Inspection authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises for the purpose of enforcing this code.

F101.4 Inspections. The fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be

certified by a responsible officer of such approved agency or by the responsible individual. The fire code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

F102 – MAINTENANCE

F102.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

F102.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this Code.

F102.2.1 Test and inspection records. Required test and inspection records shall be available to the fire code official at all times or such records as the fire code official designates shall be filed with the fire code official.

F102.2.2 Re-inspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for inspection and testing.

F102.3 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing is conducted at specified intervals in accordance with this code.

F102.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

F102.5 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

F102.6 Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

F103 – PERMITS

A person, firm or corporation shall not maintain, store or handle materials, or conduct processes which produce conditions hazardous to life or property, or install equipment used in connection with

such activities without first obtaining a permit from the Fire Official, this includes, but not limited to the utilization of fireworks, pyrotechnics, open flames, gas, flammable liquids or other products that produce open flames (“regulated materials”).

A person, firm or corporation shall not install, alter, or remove a fire protection system in the City of Birmingham, or cause the same to be done, without first obtaining a permit from the Building or Fire Official. (See Article I, Part Two, Section 103, Construction Permits)

F103.1 General

F103.1.1 Fire Department Permits for demonstrations, special events and exhibits as described in section F104.2 and required by this code shall be obtained from the Fire Code Official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises at all times and shall be readily available for inspection by the Fire Code Official.

F103.1.2 Such permit shall not be a substitute for any license required by law. A fire code permit issued shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code, nor shall such issuance of a life safety permit prevent the Fire Official from thereafter requiring a correction of violations of this code. Every fire code permit issued shall become invalid unless the use authorized by such fire code permit is commenced within six months after its issuance, or if the use authorized by such life safety permit is suspended or abandoned for a period of six months after the time the use is commenced.

F103.1.3 A permit shall not be transferable and any change in use or occupancy of a building or premises shall require a new permit. A permit shall continue until revoked or for such a period of time as designated at time of issuance.

F103.1.4 A permit shall be obtained for all conditions described in this code.

F103.2 Conditions of Permits

F103.2.1 The Fire Official shall act upon an application for permit without unreasonable delay and when issued such permit shall remain on the premises designated therein and shall at all times be subject to inspection.

F103.2.2 Whenever the provision of this code requires more than one permit for the same establishment or location, such permits may be combined into a single permit, but each provision shall be listed in the permit.

F103.3 Compliance with Permit

All permits issued under this code shall require that the applicant, his agents and employees shall carry out the proposed activity in compliance with all the requirements of this code and any other

laws or regulations applicable thereto, whether specified in the permit or not in complete accordance with the approved plan and application.

F103.4 Revocation of Permit

The Fire Official may revoke a permit issued under this code when it is found by inspection or otherwise that any one of the following conditions exists:

1. The permit is used for a location of establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit
3. Conditions and limitations set forth in the permit have been violated
4. There have been any false statements or misrepresentation as to a material fact in the application for the permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm other than the name for which it was issued.

F104 FEES

F104.1 Schedule of Permit Fees

A permit fee shall be paid for all permits as required in accordance with the schedules as established in this code.

F104.2 Permit Application and Fees

Applications and fees for permits and inspections (excluding construction permits and construction inspections) required by Article VI of this code shall be obtained from the Fire Prevention Division office of the Birmingham Fire and Rescue Service Department. The application must be accompanied by payment of the required compensation set forth herein prior to the issuance of a permit.

Demonstrations, Special Events and Exhibits

A permit is required for a person to organize or hold, assist in organizing or holding or to take part in or participate in any public demonstration, special event, exhibit, or other activity that utilizes or allows to be utilized any “**regulated material**” listed as follows: Class B or Class C explosives or fireworks, candles, open flames, gas, flammable liquids, or other products that produce open flames.

1. A permit must be obtained a minimum of seven (7) days prior to the use of any regulated materials listed in this section.
2. Events utilizing “regulated material” shall require the on-site presence of fire inspectors.

3. All cooking booths, conventions, exhibits, demonstrations, or special events shall be inspected by the Fire Official to verify compliance with this code.

Fireworks, Pyrotechnics, Special Effects Permit (FW)

A permit is required for all fireworks, pyrotechnics, open flames or special effects displays within the City of Birmingham.

Fire Bonfire Permit (FB)

No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained without a permit. Bonfires under this permit shall be an open fire for ceremonial purposes only.

Fire Hydrant Use Permission (FH)

Written permission (permit) to use a fire hydrant must be obtained from the Fire Official, which is a prerequisite to obtaining a permit from Birmingham Water Works.

Mobile Food Preparation Vehicles

A permit is required to operate a mobile food preparation vehicle equipped with appliances that produce smoke or grease-laden vapors in the City Limits of Birmingham.

Hydrant Flow Tests (FT)

A permit fee shall be paid for a hydrant flow test requested by any person, firm or corporation.

Chapter 5

Add the following sub-sections to Section 507 2021 IFC:

F507.5.7 When the construction of a new subdivision, industrial or commercial complex, or other new construction makes the installation of public fire hydrants necessary to meet adequate fire protection requirements, as determined by the Fire Official, the city may assess the actual cost of such installations, including the first three years rental fees, to the individual or entity responsible for the new construction. The said installation fee shall be paid directly to the Water Authority governing the area of construction. The rental fees shall be paid directly to the City of Birmingham.

Chapter 9

Add this *Exception* to Section 901.4.6 Appearance of equipment of the 2021 IFC with the following:

Exception: A property owner and/or occupant may request that a system be removed or vacated. This request could be based on a change in the use of a building that the installed system is no

longer a requirement according to the City Adopted Codes such as: (1) a complete change of occupancy; (2) the fire hazard has been reduced; or (3) the life safety hazard has changed. This could also apply to older buildings where the system is dilapidated and never maintained in an operable condition. The Fire Official has the authority to approve or disapprove such vacations.

Chapter 3

Add the following sub-section to Section 315:

F315.7.8 Bulk storage and transfer facilities that have processing, blending, loading and transferring racks beneath a canopy shall be provided with an automatic fire protection system and/or systems compatible with the hazard.

APPENDIX B is adopted in its entirety.

APPENDIX C is adopted in its entirety.

APPENDIX D is adopted in its entirety.

APPENDIX F is adopted in its entirety.

APPENDIX H is adopted in its entirety.

APPENDIX I is adopted in its entirety.

APPENDIX M is adopted in its entirety.

ARTICLE VII

FIRE PERMIT FEES

Fire Hydrant Use	\$125.00
Bonfires	\$100.00
Annual Mobile Food Preparation Vehicle Inspection Permit.....	\$100.00
Fireworks, Pyrotechnics, Special Effects Permit	\$100.00
Each additional day – same event	\$25.00
Permit application submitted less than 10 days prior to event.....	Additional \$100.00
Hydrant flow tests (per hydrant	125.00 per hydrant
Hydrant Rental (for 3 years rental per hydrant).....	\$690.00
Flow Test Calculations (Less than 6 months old)	\$100.00
Fuel tank removal (underground and aboveground)	\$200.00 per tank
Weekend, and After Hours Inspections:	See Article V

Demonstrations, Special Events or Exhibit Inspections:

\$325.00 shall be paid for the first four (4) hours or portion thereof, plus an additional \$75.00 for each additional hour or portion thereof thereafter, during the course of the public demonstration, special event or exhibit at which regulated materials are to be utilized. The length of inspection time shall be determined based upon the length of the public event subject to this section at the time of the application. Travel time will be added to the Inspection time.

Records and Documents

Copy of Records/Reports	\$10.00 per copy
Pages 1 through 25	\$2.00 per page
Pages 26 and above	\$1.00 per page
Copy of Photos	\$15.00 per photo

ARTICLE VIII

Property Maintenance Code

The provisions of the International Property Maintenance Code, 2021 edition, as published by the International Code Council, as amended is hereby adopted, and subject to the revisions as set herein shall apply to regulating and governing the conditions and maintenance of all property, buildings and structures.

In accordance with Section 109.3 of the 2021 International Property Maintenance Code, the Council of the City of Birmingham hereby determines that violations under this Article shall be deemed criminal in nature and shall be prosecuted as misdemeanors.

The City of Birmingham specifically adopts the Boarding Standard, Appendix A of the International Property Maintenance Code, Sections A-101 through A104.

INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDMENTS

The following subsections under each Chapter of the 2021 Edition of the International Property Maintenance Code are hereby deleted as set forth in this Article and substituted as follows:

Chapter 1 Scope and Administration

Replace the following subsection **101.1 Title** with the following:

101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of The City of Birmingham, Alabama, hereinafter referred to as "this code." This code may alternatively be cited as the Birmingham Property Maintenance Code or the BPMC.

Replace the following subsections **103.1 Creation of agency** and **103.2 Appointment** with the following:

103.1 Creation of agency. Section 103.1 of the International Property Maintenance Code creates the department of property maintenance inspection. The department of property maintenance inspection shall be deemed to be a division or section under the Department of Planning, Engineering and Permits of the City of Birmingham.

103.2 Appointment. In accordance with Section 103 of the 2021 International Property Maintenance Code, the Mayor of the City of Birmingham hereby appoints the Director of the Department of Planning, Engineering and Permits as the "Code Official." The Code Official may designate as his/her deputy an employee of the Department of Planning, Engineering and Permits, which may be assigned by the Director the duty of enforcing this Code, who shall, during the absence or disability of the Building Official, exercise all the powers of the Building Official.

Replace the following subsection **104.1 Fees** with the following:

104.1 Fees. Any fees for services and activities associated with enforcement of this article shall be established by ordinance by the Birmingham City Council.

Replace the following subsection **110.4 Failure to comply** with the following:

110.4 Failure to comply. It shall be unlawful for any person to continue work after having been served with a stop work order. 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 liable, upon conviction, to a fine of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00).

Replace the following subsection **113.1 General** with the following:

113.1 General. The *code official* shall order the *owner* or *owner's* authorized agent of any *premises* upon which is located any *structure*, which in the *code official's* or *owner's* authorized agent judgement after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the *structure*, to demolish and remove such *structure*; or if such *structure* is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any *structure* for a period of more than six months, the *code official* shall order the *owner* or owners authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

Chapter 3 General Requirements

Replace the following subsection **302.4 Weeds** with the following:

302.4 Weeds. Section 11-8-8(c) of the General Code of the City of Birmingham is hereby incorporated by reference. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of ten (10) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 109.3 of this code. Failure to comply shall be prosecuted as a violation of Section 11-8-8(c) of the General Code of the City of Birmingham. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the

weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property, in accordance with Ala. Code, 1975, § 45-37A-53, or other applicable weed nuisance abatement statute, as now or hereafter may be amended.

Replace the following subsection **302.7 Accessory structures** with the following:

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair. The permissible height of all fences shall conform to the building code and zoning ordinance of the city.

Replace the following subsection **304.14 Insect screens** with the following:

304.14 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 not less than 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. **Exception:** Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Exception: Dwellings or dwelling units containing central air conditioning equipment for mechanically ventilating the building are not required to have screens on door or window openings. Window type air conditioners or sufficient capacity to adequately cool and ventilate the dwelling or dwelling unit may be included in this exception.

Replace the following subsection **308.1 Accumulation of rubbish or garbage with the following:**

308. 1 Accumulation of rubbish or garbage. *Exterior property* and *premises*, and the interior of every *structure*, shall be free from any accumulation of *rubbish* or *garbage*.

308.1.1 Section 11-8-8(b) of the General Code of the City of Birmingham is hereby incorporated by reference. An exterior violation of this section of this code shall be prosecuted as a violation of Section 11-8-8(b) of the General Code of the City of Birmingham.

Replace the following subsection **308.3 Disposal of garbage with the following:**

308.3 Disposal of garbage or rubbish Every occupant of a structure shall dispose of garbage or rubbish in a clean and sanitary manner by placing such garbage or rubbish in an *approved* garbage disposal facility or *approved* garbage container, in accordance with the City of Birmingham's Solid Waste Collection and Disposal Ordinance, Chapter 4-3 of the General Code of the City of Birmingham (Ordinance No. 23-52), as now or hereafter may be amended. The Solid Waste Collection and Disposal Ordinance is hereby incorporated by reference. Violations of this section of this code shall be prosecuted under the applicable provisions of the Solid Waste Collection and Disposal Ordinance.

Chapter 4 Light, Ventilation and Occupancy Limitations

Replace the following subsection **402.1 Habitable spaces** with the following:

402.1 Habitable spaces. Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

Chapter 6 Mechanical and Electrical Requirements

Replace the following subsection **602.3 Heat supply** with the following:

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from **September 1st** to **May 31st** to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet-rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Replace the following subsection **602.4 Occupiable work spaces** with the following:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from **September 1st** to **May 31st** to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.