

ORDINANCE NO. 2007-189

WHEREAS, a public hearing was held on May 29, 2007, according to requirements of law for the adoption of rules and regulations printed in book or pamphlet form by reference, concerning the following matter, and

WHEREAS, at said public hearing all objections registered or made known against the adoption of said rules and regulations were either over ruled or satisfied.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Dothan, Alabama, as follows:

Section 1. It is hereby found and determined that the provisions of Resolution No. 2007-168 adopted by this Commission on May 8, 2007, and other requirements of law for the adoption of rules and regulations printed in book or pamphlet form by reference to have been complied with.

Section 2. That Chapter 14, Buildings and Building Regulations of the Code of Ordinances of the City of Dothan, Alabama, is hereby amended in its entirety to read as follows:

ARTICLE I. PURPOSE, ADMINISTRATION, PERMITTING AND INSPECTION REQUIREMENTS, FEES, PENALTIES

Division 1. Purpose, administration

Sec. 14-1. Purpose of this chapter.

In order to serve and protect the public health, safety and provide for the general welfare, the declared purpose of this chapter is to adopt the various International Codes and National Fire Protection Association (NFPA) Codes relating to amusement devices, building, grading and excavation, electrical, gas, housing, mechanical, plumbing and swimming pool codes to facilitate proper permitting and inspection activities relating to construction and maintenance of buildings and other miscellaneous structures within the City of Dothan.

Sec. 14-2. Administering authority.

The building official under general direction of the director of the planning and development department shall be responsible for administration and enforcement of the provisions of this chapter.

Division 2. Permit and inspection requirements

Sec. 14-3. Notification required.

It shall be unlawful to construct, erect, or otherwise place any structure, demolish, alter, repair or move any structure or part thereof, or perform any plumbing, electrical or heating and air conditioning work in the City of Dothan without first notifying the building official, who will determine whether a permit for such activity is required in accordance with this chapter.

Sec. 14-4. Inspection Notice in General.

When any of the trade work is ready for inspection, it shall be the duty of the subcontractor of that trade or owner doing his own work to notify the inspection office orally, by telephone or in writing, not less than twelve working hours before the work is to be inspected or tested. All work shall be left uncovered, where it applies, until approved as having been done in accordance with this article.

Sec. 14-5. Requirements.

Where the building official determines that construction permits are required, application for said work must be made to the building official in accordance with provisions of this article. The building official shall establish procedures for making application and issuing required permits and performing inspections of building construction, alteration, repair, moving, and demolition activities in the city.

The following activities, in addition to others specified herein, require permits, the cost of which shall be in accordance with section 14-6:

- (1) Building construction;
- (2) Trades; plumbing, electrical including low voltage, hard wired, security and alarm system, mechanical (HVAC, gas);
- (3) Curb cuts/driveway turnout;
- (4) Fence erection or construction;
- (5) Site grading;
- (6) Gasoline and bottled gas installation;
- (7) Manufactured housing placement and set-up;
- (8) Roofing;
- (9) Sewer connections;
- (10) Signs;
- (11) Any fixed fire suppression system installation, commercial or residential included but not limited to sprinklers, hood and paint booth.
- (12) Irrigation sprinkler system installation if "backflow" valve installed by the owner or a contractor;
- (13) Siding;
- (14) Awnings; and
- (15) Paving.

Division 3. Permit fees

Sec. 14-6. Permit fees; in general.

Permit fees shall be based upon the cost of construction or other valuation defined in this article and in accordance with the fee schedule defined herein unless otherwise noted. On all buildings, structures or alterations requiring a building permit, as set forth herein, fee shall be paid as required at the time of filing of an application and before any construction begins.

Sec. 14-7. Permit fee schedule.

- (a) For valuation less than \$1,000.00, no fee shall be required, unless an inspection is necessary, in which case there shall be a minimum fee of \$50.00.
- (b) For valuation over \$1,000.00, up to and including \$500,000.00, the fee shall be 0.20 percent of the total valuation with a minimum fee of \$50.00.
- (c) For valuation over \$500,000.00, up to and including \$2,000,000.00, the fee shall be \$1,000.00 plus 0.15 percent of the cost above \$500,000.00.
- (d) For valuation over \$2,000,000.00, the fee shall be \$3,250.00 for the first \$2,000,000.00 plus 0.10 percent of the cost above \$2,000,000.00. For fast-track projects, the permit fees will be increased by 15 percent.

Sec. 14-8. Commercial/industrial and apartment valuations for permit fees.

- (a) *New construction.* Permit fees for new commercial/industrial and apartment projects, including additions, shall be based upon valuation and permit fee schedule herein. Valuation of commercial/industrial buildings, including apartments shall be the estimated cost as per Sec. 14-10 or the certified cost of the project excluding the cost of land. The contractor shall submit separate costs for construction provided by the various building trades at the time application is made for a building permit.
- (b) *Remodeling and repairs.* Permit fees for remodeling or repairs of existing buildings in this section shall be based upon the certified construction cost provided by the contractor at the time of permit application.

Sec. 14-9. Single-family residential valuations for permit fees.

- (a) *New construction.* Permit fees for new construction, of one-and-two family residential dwellings, including townhouses shall be based upon building valuation and permit fee schedule herein. Valuation of single-family residential construction, including townhouses, shall be as per Sec. 14-10 for heated and unheated area.
- (b) *Additions, remodeling and repairs.* Permit fees for additions, remodeling or repairs of existing buildings in this section shall be based upon the certified construction cost provided by the contractor at the time of permit application.

Sec. 14-10. Building Valuation Data (BVD).

Contractor/Builder is to estimate the cost of commercial/industrial and apartment valuations as called for in Sec. 14-8 and one-and two-family dwelling as called for in Sec. 14-9, using Building Valuation Data, herein after called "BVD", as published by International Code Council (ICC) during the middle of each year.

Each year in January, the contractor is to start using the BVD that was published by ICC during the middle of the previous year. After the adoption of revised Chapter 14 in 2007, for new homes, the contractor is to use the BVD at the rate of 67% of that published in 2006. That rate (67%) will be used until January of 2009, at which time the rate will increase to 100% of the BVD established in 2008. Beginning in January of 2009, and every year thereafter, contractors will use 100% of the BVD published in the previous year.

Sec. 14-11. Churches exempt.

Churches will be exempt from payment of fees on the first \$15,000.00 of value with a minimum fee of \$50.00.

Sec. 14-12. Miscellaneous fees.

- (a) *House or building moving permit.* (Moving from a location in the city to another location either inside or outside the city, or moving from a location outside the city into the city) fee shall be \$200.00 plus \$40.00 per hour for each additional hour of police department support in excess of two hours. The fee for only passing through the city and not placing the structure within the city is \$100.00 plus \$40.00 per hour in excess of two hours for police support. The additional charges for the extra hours of police officer will be billed to the contractor by the Police Department.
- (b) *Plan examination (Plan Review) fee.* When submitted plans are of such complexity and magnitude that neither the building official nor staff have the *time and/or* capability to examine said plans to determine conformance of the construction described with building codes and all other pertinent laws and ordinances, a plan-examination fee shall be paid to the city at the time of submitting plans and specifications for examinations. Said plan-examination fee shall be as charged by an outside approved agency plus 15 %.
- (c) Special or repeat inspection fee is \$50.00 per inspection.
- (d) *Demolition of buildings and structures.* The permit fee for demolition shall be based upon cost of the demolition and permit fee schedule herein with a minimum fee of \$50.00. The demolition permit requires a refundable deposit of fifty dollars (\$50.00) at the time of application that will be refunded upon the receipt of page two of the application containing information of sewer lateral.
- (e) *Water Well.* Permit fee for Water Well shall be \$50.00 per well.

Division 4. Penalties

Sec. 14-13. Penalties.

(a) *Construction or other activities requiring permits before obtaining a permit.* Any contractor or others working without first obtaining a required permit for the work being done will be charged the lesser of \$500.00 or double the permit fee for the first two offenses in a 12 month period and the greater of double the permit fee or \$500.00 for the third or any additional offenses during any subsequent 12 month period. In addition thereto violators will be subject to punishment as prescribed in section 1-4 of this Code of Ordinances. Penalty charge shall be added to the actual cost of the permit fee.

(b) *Other violations.* Persons violating any section of the provisions of this code shall be guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, and upon conviction for any such violation such person will be punished as provided in section 1-4 of this Code of Ordinances.

Section 14-14 – Section 14-20. Reserved.

ARTICLE II. INTERNATIONAL CODES AND NFPA CODES ADOPTION AND AMENDMENTS

Division 1. Adoption

Sec. 14-21. International Codes and National Fire Protection Association (NFPA) Codes adopted.

That certain documents, a copy of each which is on file in the office of the city clerk of the City of Dothan, Alabama, being marked and designated as the International Codes, 2006 Edition (as published by the International Code Council, Inc., and copyrighted in January, 2006), and Codes published by the National Fire Protection Association (NFPA): National Electric Code, 2005 Edition that are hereby incorporated by reference as a part of this article as though fully set forth herein, are hereby adopted as the "Building Codes of City of Dothan", regulating and governing the protection of the public health, safety and general welfare; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said building codes with the additions, insertions, deletions and changes, if any, prescribed in the following sections of this article.

Applicable law for adoption in such a manner having been complied with, the following codes, as amended herein, are hereby adopted by reference as though they were copied herein fully.

Codes published by The International Code Council:

2006 International Building Code (IBC) with "Appendix J".

2006 International Code Council Electrical Code

2006 International Existing Building Code

2006 International Fuel Gas Code (IFGC)

2006 International Mechanical Code

2006 International Plumbing Code

2006 International Property Maintenance Code

2006 International Residential Code for One and Two Family Dwellings (IRC) with Appendices "A (IFGS)", "B (IFGS)", "C (IFGS)", "D (IFGS)", "E", "G", "H", "J (EB)", "M" and "N".

Codes published by the National Fire Protection Association (NFPA):

National Electric Code, 2005 Edition

Division 2. Amendments

Sec. 14-22. Amendments to International Building Code (IBC):

- a. Adopted with IBC is "Appendix J Grading".
- b. Section 101.1 Insert: **City of Dothan.**
- c. Section 112.1 General. Amended to read as follows:
The board of appeals shall mean the Board of Adjustments and Appeals as established in this chapter, and said duties and responsibilities as set forth therein. Where reference is made to the board of appeals in this code it shall mean the Board of Adjustments and Appeals.
- d. Section 1612.3 Insert: **City of Dothan.**
- e. Section 1612.3 Insert: **December 16, 2005.**
- f. Section 3410.2 Insert: **July 1, 2007.**

Sec. 14-23. Amendments to International Code Council Electrical Code:

- a. Section 101.1 Insert: **City of Dothan.**
- b. Section 404.2 Insert: **Fee Schedule as set forth elsewhere in this chapter.**
- c. Section 1101 Board of appeals established: Amended to read as follows:
The board of appeals shall mean the Board of Adjustments and Appeals as established in this chapter and said duties and responsibilities as set forth therein. Where reference is made to the board of appeals in this code it shall mean the Board of Adjustments and Appeals.

Sec. 14-24. Amendments to International Existing Building Code:

- a. Section 101.1 Insert: **City of Dothan.**
- b. Section 112.1 General. **Amended to read as follows:**
The board of appeals shall mean the Board of Adjustments and Appeals as established in this chapter, and said duties and responsibilities as set forth therein. Where reference is made to the board of appeals in this code it shall mean the Board of Adjustments and Appeals.
- c. Section 1301.2 Insert: **July 1, 2007.**

Sec. 14-25. Amendments to International Fuel Gas Code (IFGC):

- a. Section 101.1 Insert: **City of Dothan.**
- b. Section 106.5.2 Insert: **Fee Schedule as set forth elsewhere in this chapter.**
- c. Section 106.5.3 Insert: **Fee Refunds as per Administrative Policy of the City of Dothan.**
- d. Section 108.4 and Section 108.5 Insert: **Violations & Penalties as per City of Dothan Code of Ordinance.**
- e. Section 109.1. Application for Appeal: **Amended to read as follows:**
The board of appeals shall mean the Board of Adjustments and Appeals as established in this chapter, and said duties and responsibilities as set forth therein. Where reference is made to the board of appeals in this code it shall mean the Board of Adjustments and Appeals.

Sec. 14-26. Amendments to International Mechanical Code:

- a. Section 101.1. Insert: **City of Dothan.**
- b. Section 106.5.2 Insert: **Fee Schedule as set forth elsewhere in this chapter.**
- c. Section 106.5.3 Insert: **Fee Refunds as per Administrative Policy of the City Of Dothan.**
- d. Section 108.4 and Section 108.5 Insert: **Look for Violations & Penalties elsewhere in this chapter.**
- e. Section 109.1 Application for Appeal. **Amended to read as follows:**
The board of appeals shall mean the Board of Adjustments and Appeals as established in this chapter, and said duties and responsibilities as set forth therein. Where reference is made to the board of appeals in this code it shall mean the Board of Adjustments and Appeals.

Sec. 14-27. Amendments to International Plumbing Code:

- a. Section 101.1. Insert: **City of Dothan.**
- b. Section 106.5.2 Insert: **Fee Schedule as set forth elsewhere in this chapter.**
- c. Section 106.5.3 Insert: **Fee Refunds as per Administrative Policy of the City Of Dothan.**
- d. Section 108.4 and Section 108.5 Insert: **Look for Violations & Penalties elsewhere in this chapter.**
- e. Section 109.1 Application for Appeal: **Amended to read as follows:**
The board of appeals shall mean the Board of Adjustments and Appeals as established in this chapter, and said duties and responsibilities as set forth therein. Where reference is made to the board of appeals in this code it shall mean the Board of Adjustments and Appeals.
- f. Section 708.3.3 Changes of Direction: **Amended to insert text as follows:**
Cleanouts shall be installed at each fitting with a change of direction greater than 45 degrees 0.79 rad) in the building sewer, building drain and horizontal waste or soil lines. Where more than one change of direction occurs in a run of piping, only one cleanout shall be required in each 40 feet (12 192 mm) of developed length of the drainage piping.

Sec. 14-28. Amendments to International Property Maintenance Code:

- a. Section 101.1 Insert: **City of Dothan.**
- b. Section 103.5 Insert: **Fee Schedule as set forth elsewhere in this chapter.**
- c. Section 111.1 Application for Appeal: **Amended to read as follows:**
The board of appeals shall mean the Board of Adjustments and Appeals as established in this chapter, and said duties and responsibilities as set forth therein. Where reference is made to the board of appeals in this code it shall mean the Board of Adjustments and Appeals.
- d. Section 302.4 Insert: **(12 inches high covering 30% of the lot or 3000 square feet which ever is less.)**
- e. Section 304.14 Insert for the dates: **"The entire year."**
- f. Section 602.3 Insert for the dates: **"The entire year."**
- g. Section 602.4 Insert for the dates: **"The entire year."**

Sec. 14-29. Amendments to International Residential Code (IRC):

- a. Adopted with IRC are the following Appendices:
 - i. APPENDIX A (IFGS). SIZING AND CAPACITIES OF GAS PIPING
 - ii. APPENDIX B (IFGS). SIZING OF VENTING SYSTEM SERVING APPLIANCES EQUIPPED WITH DRAFT HOODS, CATEGORY I APPLIANCES, AND APPLIANCES LISTED FOR USE WITH TYPE B VENTS.
 - iii. APPENDIX C (IFGS). EXIT TERMINALS OF MECHANICAL DRAFT AND DIRECT-VENT VENTING SYSTEMS.

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- iv. APPENDIX D (IFGS). RECOMMENDED PROCEDURE FOR SAFETY INSPECTION OF AN EXISTING APPLIANCE INSTALLATION.
- v. APPENDIX E. MANUFACTURED HOUSING USED AS DWELLINGS.
- vi. APPENDIX G. SWIMMING POOLS, SPAS AND HOT TUBS.
- vii. APPENDIX H. PATIO COVERS.
- viii. APPENDIX J (EB). EXISTING BUILDINGS AND STRUCTURES.
- ix. APPENDIX M. HOME DAY CARE – R-3 OCCUPANCY.
- x. APPENDIX N. VENTING METHODS.
- b. Section R101.1. Insert: **City Of Dothan.**
- c. Section R105.2 (2); Delete: **"Fence nothigh."**
- d. Section R112.1. General. **Amended to read as follows:**
The board of appeals shall mean the Board of Adjustments and Appeals as established in this chapter, and said duties and responsibilities as set forth therein. Where reference is made to the board of appeals in this code it shall mean the Board of Adjustments and Appeals.
- e. Section R301.2. (1) Insert the following table:

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to damage from			Winter Design Temp	Ice barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line depth	Termite					
0	105	A	Moderate	0	Very Heavy	0	0	0	32° F	72.8° F

- f. Section R613.2 Window sills: **Amended to delete text as follows:**
~~R613.2 Window sills. In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 24 inches (610 mm) above the finished floor of the room in which the window is located. Glazing between the floor and 24 inches (610 mm) shall be fixed or have openings through which a 4-inch diameter (102 mm) sphere cannot pass.~~
Exceptions:
 1. ~~Windows whose openings will not allow a 4-inch diameter (102 mm) sphere to pass through the opening when the opening is in its largest opened position.~~
 2. ~~Openings that are provided with window guards that comply with ASTM F-2006 or F-2090.~~
- g. Section P2603.6.1 Insert: **12 inches.**

Section 14-30 – Section 14-40. Reserved.

ARTICLE III. GENERAL BUILDING AND CONSTRUCTION REQUIREMENTS

Division 1. Administration and Enforcement

Sec. 14-41. License and bonding requirement.

- (a) Any person or organization engaging in the business of or doing any contracting or contract work for others in the city for construction, demolition, repairs, furnishing, etc. for any building/structure, plumbing, electrical and other trades under provisions of the International codes and National Fire Protection Association codes adopted herein, must be licensed by the city under provisions of chapter 18 before doing any such work in the City of Dothan, unless otherwise excepted herein. Certain construction related city licenses will require bonds and proof of competency, or State of Alabama required licenses and certifications before issuance of a city license.
- (b) **Owner's privilege.** Nothing contained in this section shall prohibit any bona fide owner from personally constructing/repairing his own building or installing appurtenances and devices regulated by standard codes adopted herein, provided such owner shall:
 - (1) File plans and specifications to be approved by the building official.
 - (2) Apply for and secure a permit.
 - (3) Pay required fees.
 - (4) Do the work in accordance with the applicable code(s).
 - (5) Apply for inspections.
 - (6) Receive approval of the inspector.
 - (7) Receive a Certificate of Occupancy (C.O.).
 - (8) Personal installation by the owner shall be by himself, for himself, in his own building, without compensation or pay from any person for such labor or installation. The owner exercising this privilege shall conform to all the requirements of this chapter. The owner exercising this privilege shall not set himself up as a contractor nor shall he employ journeyman tradesmen.
- (c) **Bonding.** All contractor licensees, as a condition of obtaining and holding a valid city license, must deposit with the board of commissioners a good and sufficient bond in the sum defined herein to be approved by the city attorney, conditioned that the person engaged in the designated business will faithfully observe all the laws pertaining to the designated business, that the board of commissioners shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such engaged in the designated business or by any other unfaithful, inadequate work done either by licensee or his agents or employees. Bonding requirements by trades is as follows:
 - (1) **General Contractors--\$10,000.00 (Contractor as defined in Chapter 18)**

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- (2) Subcontractors, contractors and homeowners exercising owner's privilege--\$2,000.00 (Contractor as defined in Chapter 18)
- (3) Homebuilding contractors--\$10,000.00
- (4) All others--\$5,000.00

Sec. 14-42. Use of license by others.

It shall be unlawful to transfer a license from one person to another or for a licensed contractor to use or allow his license to be used to obtain permits for others. All licenses issued shall be in the name of the individual doing business as (name of business).

Sec. 14-43. Revocation of license.

City issued licenses requiring state issued certification/license are automatically revoked if state certification or license has lapsed, been suspended or been revoked. License may also be revoked under separate provisions of chapter 18.

Section 14-44 – Section 14-50. Reserved.

ARTICLE IV. ELECTRICAL WORK

Division 1. General

Sec. 14-51. Damage to electrical systems.

It shall be unlawful to cut down or trim any tree so that the tree or limb falls on or damages any electric distribution or service line, electric pole or attachment thereto, transformers or other appurtenances of any public electric utility in the city.

Division 2. Administration and Enforcement

Sec. 14-52. Fees for electric current used during installations; refusal of permits, revocation of license for nonpayment.

(a) The electrical contractor doing electrical work shall be liable to the city for the payment of all fees and charges for electrical current in and about the construction and installation of such work. Upon the final inspection of any job or installation, if the inspector finds that the inspection fees paid were not a sufficient amount to cover the amounts due as provided for in this article, the electrician or electrical contractor shall be called upon for the payment of such unpaid fees. If the fees are not paid, the building official shall not issue another permit to such electrician or electrical contractor until all fees in arrears are paid in full. Upon failure to pay such delinquent fees, the electrician or electrical contractor's license may be forfeited and declared null and void by the board of commissioners.

(b) If required fees are not fully paid or the electric current used during construction is not fully paid for, the city or other electric utility providing service shall not connect electric energy to the building or installation until the charges are fully paid.

Sec. 14-53. Inspections.

It shall be unlawful for any public electric utility or other entity furnishing electrical current to connect current to the service point of any building, structure, equipment or apparatus until the city electrical inspector has inspected and approved the building, structure, equipment or apparatus for connection to the electrical current source.

Sec. 14-54. Notice of inspection.

(a) When electrical work is ready for inspection, it shall be the duty of the electrical contractor or owner doing his own work to notify the electrical inspector orally, by telephone or in writing, not less than twelve working hours before the work is to be inspected or tested. All work shall be left uncovered until approved as having been done in accordance with this article.

(b) It shall be unlawful to lath, ceil or in any manner conceal any electrical wiring or equipment until such has been inspected and the inspection notice posted as required in this section.

(c) If any electrical work or part thereof is covered before being inspected, tested and approved, it shall be uncovered upon the order of the electrical inspector.

(d) Upon approval of the electrical installation, services, wiring equipment, apparatus, etc., the electrical inspector will release the electrical service for connection to the electrical utility company's supply lines.

Sec. 14-55. Temporary services.

(a) Where electric distribution lines are already installed along the street or public way adjacent to a building site, deposits for temporary service, if it is for commercial account the deposit shall be made at the Permit and Inspection Office, otherwise it shall be made at the city utility billing and collection office at least 48 hours prior to the time the city will be expected to provide service.

(b) Where new distribution lines must be constructed to the site, deposits must be made at least ten working days prior to the time such service will be expected.

(c) The city assumes no responsibility for damage to property, or injury to persons in or about the use of the temporary installation or equipment therein, and the owner and the responsible contractor shall provide locks to switch boxes and other safeguards against the use of or handling the installation of equipment by unauthorized persons. Prior to such temporary electrical installation by the utility, the owner or contractor requesting such service shall execute and leave in the city office an agreement in writing to hold the city harmless from all claims, losses or actions for damage to property or injury to persons which

may arise out of the presence or use of such temporary electrical installation or equipment so installed as authorized by the city.

Division 3. Electrical Contractors Licenses

Sec. 14-56. License required.

(a) Before engaging in the business of or doing any electrical installation or repair work for others in the city, each person must possess a current city electrical license.

(b) Every applicant for a license to engage in the business of or doing any electrical work for others in the city must possess a master electricians' certificate issued by the state electrical contractor's board as prescribed in the Code of Ala. 1975, § 34-36-3 et seq. Where contract electrical work is being done, a master electrician must be on site. The city inspector may require that state certificate be shown as evidence of compliance. Noncompliance will result in job shutdown.

(c) Those who are presently licensed by the city to do electrical work are exempt from the requirement of state certification as set out in subsection 14-25(b), so long as, they do not let their current electrical license lapse.

Sec. 14-57. Duration, renewal of license.

Electrical contractor's licenses shall be issued for no more than one year. Licenses obtained by examination under provisions of this division may be renewed from year to year without re-examination, except when said license has lapsed for more than 12 months after the renewal date. No renewal shall be for less than the cost of one year, based on the city's fiscal year together with the penalty provided in chapter 18 as applicable.

Section 14-58 – Section 14-65. Reserved.

ARTICLE V. LIQUEFIED PETROLEUM AND NATURAL GAS WORK

Division 1. Generally

Sec. 14-66. Rules and regulations for liquefied petroleum gas.

This article shall be cumulative of the liquefied petroleum gas rules and regulations promulgated by authority of Code of Ala. 1975, § 9-17-100 et seq., as to methods and specifications for making installations. Nothing contained therein, however, shall be construed to relieve an owner, gas company or supplier, pipe fitter or equipment installer from the requirements of securing permits, certificates of inspection and paying fees charged for such permits as provided in this article.

Sec. 14-67. Location of meters.

After consulting the owner or his authorized representative, the gas company or supplier with the assistance of the gas inspector will decide on proper location of meters. Fitters shall extend the riser to terminate within six inches of such location and to the right of such location, attaching it to the meter bar.

Sec. 14-68. Separate meters for separate consumers.

To accommodate different tenants, the gas company or supplier will set as many meters as there are separate consumers in a given building, connecting the meters to one service pipe, provided the service pipe is large enough to provide ample supply and provided, further, the cost of this yard service line, of meter loops and of piping from the meter to the appliance shall be done at the expense of the property owner.

Sec. 14-69. Connections made by gas company.

Only the gas company or supplier will make the necessary connections with the street main, run pipe to the regulator from the main and set the regulator, at the expense of the consumer.

Sec. 14-70. Testing, inspection required, approval.

When the system of piping and yard lines on the premises of the owner has been completed and all fuel drop and bracket extensions firmly and permanently fastened, the gasfitter shall test the piping. If he finds it to be tight, he shall submit a written application to the gas inspector for test at least eight working hours before testing time. If the pipes are verified to be tight and in accordance with the requirements of this article, the gas inspector shall approve work and issue a certificate therefor. During the inspection, the fitter or his representative shall be present. No certificate shall be issued until all inspection fees are paid.

Sec. 14-71. Certificate of inspection.

Connections to the owner's installation by the gas company are not allowed until a certificate of inspection has been issued, a copy of which shall be kept on file in the gas inspector's office. Oral clearances will not be considered as a release.

Division 2. Gasfitters' Licenses

Sec. 14-72. Certification Required.

Every applicant for a license to engage in the business of or doing any gasfitting work for others in the city must possess a gasfitter's certificate issued by the state plumbers and gasfitters examining board as prescribed in Code of Ala. 1975, § 34-37-1 et seq. Where gasfitting work is being done, a

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master or journeyman gasfitter must be on site. The city inspector may require that the state certificate be shown as evidence of compliance. Noncompliance will result in job shutdown.

Section 14-73 – Section 14-80. Reserved.

ARTICLE VI. MECHANICAL WORK, HEATING AND AIR CONDITIONING AND REFRIGERATION

Division 1. Heating and air conditioning and commercial refrigeration contractors' licenses

Sec. 14-81. License required.

(a) Before engaging in the business of or doing any heating and cooling or commercial refrigeration installation or repair work for others in the city, each person must possess a current city mechanical contractor's license.

(b) Every applicant for a license to engage in heating and air conditioning installation, maintenance and repair work must possess a current certification issued by the state board of heating and air conditioning contractors.

Sec. 14-82. Commercial refrigeration competency requirements.

All applicants for a license to engage in commercial refrigeration system installation, maintenance and repair work must submit certified evidence of having taken and passed an examination developed and administered by an approved testing agency covering commercial refrigeration as proof of competency to receive a license.

Section 14-83 – Section 14-90. Reserved.

ARTICLE VII. Plumbing Work

Division 1. Plumbers' licenses

Sec. 14-91. License required.

(a) Before engaging in the business of or doing any plumbing installation or repair work for others in the city, each person must possess a current city plumber's license.

(b) Every applicant for a license to engage in the business of or doing any plumbing work for others in the city must possess a master plumbers' certificate issued by the state plumbers and gasfitters examining board as prescribed in Code of Ala. 1975, § 34-37-1 et seq. Where contract plumbing work is being done, a master or journeyman plumber must be on site. The city inspector may require that state certificate be shown as evidence of compliance. Noncompliance will result in job shutdown.

Sec. 14-92. Payment of inspection and connection fees and charges.

If required inspection fees and connection costs are not paid in full, the city water utility department shall not furnish water service to the building or structure until the charges are fully paid.

Section 14-93 – Section 14-95. Reserved.

ARTICLE VIII. BOARD OF ADJUSTMENTS AND APPEALS

Division 1. Establishment and purpose

Sec. 14-96. Established; membership; terms.

(a) There is established a Board of Adjustments and Appeals, which shall consist of seven members as follows: one architect, one structural engineer, one mechanical engineer, one electrical engineer, one fire protection engineer, one fuel gas engineer and one member at large from the business community. These members should be selected to represent the building industry, the general contractors, and the licensed homebuilders. Each of the six members of the board of commissioners shall appoint one member, and one member shall be appointed by the mayor.

(b) The terms of the members of the board shall be four years or until their successors take office. Any member may be reappointed by resolution of the board of commissioners.

(c) All members shall serve as such without compensation.

(d) Chairman. The board shall annually select one of its members to serve as chairman. No member shall be elected as a chairman for more than two consecutive terms.

Sec. 14-97. Purpose.

The purpose of the board of adjustments and appeals is to allow for the appeal of the decision of the building official or his agents with respect to the materials, mode or manner of construction required by the city's adopted codes for building, electrical, plumbing, gas and HVAC work in the city. The board shall review recommended exceptions to the codes and make recommendations for adoption as appropriate for local conditions.

Division 2. Appeals

Sec. 14-98. Appeals.

(a) Rulings of the building official. Whenever the building official shall reject or refuse to approve the mode or manner of building, electrical, plumbing or mechanical (HVAC) construction proposed to be followed or materials to be used in the installation or alteration of a building or structure or when it is claimed that the provisions of the applicable code does not apply or that any equally good or more desirable form of installation can be employed in any specific case or when it is claimed that the true intent and meaning of the code or any of the regulations there under have been misconstrued or incorrectly interpreted, the owner of such building or structure or his duly authorized agent may appeal from the decision of the building official to the board of adjustments and appeals. Notice of appeal shall be in writing and filed within ten days after the building official renders the decision. Appeals shall be on forms provided by the building official.

Sec. 14-99. Decisions.

The board of adjustments and appeals, when after hearing an appeal, may reverse or modify the decision of the building official if in the opinion of the board, there has been an erroneous interpretation, construction or application of any provision of the applicable code by the building official. If a decision of the board reverses or modifies a refusal or order or disallowance of the building official or varies the application of any provision of the code, the building official shall immediately take action in accordance with the decision. The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall be in writing and shall include the reasons for the decision. Every decision of the board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity.

Section 14-100 - Section 14-110. Reserved.

ARTICLE IX. HOUSING CODE ABATEMENT BOARD

Sec. 14-111. Created.

Pursuant to and under the authority contained in Code of Ala. 1975, § 11-53A-1 et seq., there is created a housing code abatement board. The appointment, procedures, powers and actions of the board shall be governed and controlled by the state law cited in this section, and such state law is adopted and incorporated by the board of commissioners for the city.

Sec. 14-112. Article cumulative.

This article shall be cumulative in its nature and in addition to any and all power and authority that the city may have under any other ordinance.

Sec. 14-113. Purpose.

The housing code abatement board is created in order to remove structures that are unsafe to the extent of creating a public nuisance and to provide for the collection of special assessments and liens against the property for the collection of costs.

Sec. 14-114. Composition; qualifications and terms of members; compensation.

(a) The housing code abatement board shall consist of seven members and shall be composed of one architect, one engineer, one member from the building industry, one general contractor, one licensed homebuilder, and two members at large from the public. Each of the six members of the board of commissioners shall appoint one member, and one member shall be appointed by the mayor.

(b) The terms of the members of the board shall be four years or until their successors take office. Any member may be reappointed by resolution of the board of commissioners.

(c) All members shall serve as such without compensation.

(d) Chairman. The board shall annually select one of its members to serve as chairman. No member be shall elected as a chairman for more than two consecutive terms.

Sec. 14-115. Functions and duties; authority.

(a) The building official shall be the administrative officer and perform such duties as the housing code abatement board directs under this article.

(b) The housing code abatement board shall exercise the authority and perform the duties delegated by law. Pursuant to the police power granted in such state law, the city may, after proper notice, move or demolish buildings or structures, party walls or foundations when found by the housing code abatement board and by the board of commissioners to be unsafe to the extent of creating a public nuisance from any cause.

(c) Whenever the housing code abatement board finds that any building, structure, part of a building or structure, party wall or foundation situated in its jurisdiction is unsafe to the extent that it creates a public nuisance from any cause, it shall give notice to the person last assessed for state ad valorem taxes and the last owner of record in the office of judge of probate by personally serving a copy of the notice to remedy the unsafe or dangerous condition of the building or structure or to demolish the building or structure within a reasonable time set out in the notice, not more than 60 days following the notice. Notice shall further be given to all interested persons by publication in a newspaper of general circulation in the city for four consecutive weekly issues, and it shall also be posted at or within three feet of an entrance to the building or structure constituting a nuisance. If there is no entrance, the notice may be posted at any location upon the building or structure. The notice shall notify all interested parties of their duty to comply within 60 days after the notice is given to remedy or remove the nuisance. It shall further contain a

description of the property by street address, the name of the person in whose name the state ad valorem taxes were last assessed and the name of the last owner of record last filed in the office of the judge of probate of the county. If the unsafe condition is not remedied within 60 days, the housing code abatement board shall submit a proposed resolution to the board of commissioners for the abatement of a nuisance building or structure immediately following proper notice to interested parties as set out in this subsection, and the resolution shall be considered by the board of commissioners prior to commencement of any abatement operations. If the board of commissioners adopts the resolution, action may proceed and the building or structure shall be demolished and removed by the city and the costs shall be assessed against the property. If the personal service is returned "not found" after not less than two attempts, the notice may be given by registered or certified mail. Notice shall be deemed proper on the final day of publication as set out in this subsection by posting the notice at the locations described in this subsection and any one of the following:

(1) Personal service of notice on the owner of record last filed in the office of the judge of probate of the county and the person assessed with state ad valorem tax for the property.

(2) Service of notice by certified or registered mail on the owner of record last filed in the office of the judge of probate of the county and the person assessed with state ad valorem tax for the property.

(3) Two unsuccessful attempts at service by both personal service and certified or registered mail to the owner of record last filed in the office of the judge of probate of the county and the person assessed with state ad valorem tax for the property.

(d) Within the time specified in the notice, but not more than 60 days from the date notice is given, any person having an interest in the building or structure may file a written request for a hearing before the board of commissioners, together with any objection to the finding by the board of housing code abatement that the building or structure is unsafe to the extent of creating public nuisance. The filing of the request shall delay any action on the finding of the board of housing code abatement until a determination is made. A hearing shall be held not less than ten nor more than 60 days after the request. At the hearing or if no hearing is timely requested, after the expiration of 60 days from the date the notice is given, the board of commissioners shall determine whether or not the building or structure is unsafe to the extent that it creates a public nuisance. Notice of the meeting of the board of commissioners and that a determination will be made at the meeting shall be published one time in a newspaper of general circulation in the city, not less than ten days prior thereto. If a building or structure is determined to be unsafe to the extent that it creates a public nuisance, the board of commissioners shall order the building or structure to be demolished and removed 30 days following the determination. The city may actually perform or contract for the performance of the demolition and removal of the building structure and may sell or otherwise dispose of salvaged materials resulting from the demolition and removal.

(e) Before such appeal from the board of housing code abatement to the board of commissioners is put on the agenda for action, there shall have been paid the sum of \$40.00 to the city clerk to cover the cost of such appeal to the board of commissioners.

Sec. 14-116. Appeal.

Any person aggrieved by the decision of the board of commissioners at the hearing, as provided in section 14-50, may, within 30 days thereafter, appeal to the circuit court upon filing with the clerk of the court notice of the appeal and bond for security of costs in the form and amount approved by the circuit clerk. Upon filing the notice and bond, the clerk shall serve a copy of the notice of appeal on the city clerk. The appeal shall be docketed in the court as a preferred case. The city clerk shall, upon receiving the notice, file with the circuit clerk a copy of the findings and determination of the board of commissioners. A trial shall then be held without a jury upon the determination of the board of commissioners.

Sec. 14-117. Assessment of costs.

(a) Upon demolition and removal of a building or structure as provided in this article, the board of housing code abatement shall make a report to the board of commissioners of the cost. The board of commissioners shall adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and removal and assess the costs against the property. The proceeds of any monies received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition and removal. Any person having an interest in the property may be heard at the meeting concerning any objection he may have to the fixing of the costs. The city clerk shall give not less than 15 days' notice of the meeting at which the fixing of the costs are to be considered by publication in a newspaper of general circulation in the city. The fixing of costs by the board of commissioners shall constitute a special assessment against the lot or parcel of land upon which the building or structure was located and shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property, except prior recorded mortgages and other prior recorded security interests and liens for taxes, and shall continue in force until paid. The city clerk shall mail a copy of the resolution to the person last assessed for ad valorem taxes and a certified copy of the resolution shall be published in the manner and as prescribed for the publication of municipal ordinances. A certified copy of the resolution shall also be filed in the office of the judge of probate of the county.

(b) The city shall have the power to assess the costs authorized in this article against any lot or parcel of land purchased by the state at any sale for the nonpayment of taxes. A subsequent redemption of the property by any person authorized to redeem or a subsequent sale of the property by the state shall not operate to discharge or in any manner affect the lien of the city for the assessment. Any redemptioner or purchaser shall take the property subject to the assessment.

(c) Payment of the assessment or, if delinquent, the collection of the assessment shall be made in the same manner as is provided for the payment and delinquent collection of municipal improvement assessments pursuant to Code of Ala. 1975, § 11-48-1 et seq.

Section 14-118 – Section 14-125. Reserved.

ARTICLE X. CONTRACTORS

Division 1. General contractors and contractors

Sec. 14-126. License required.

Before engaging in the business of or doing any general contracting or contracting work for others in the city, as defined in the business privilege license tax schedule adopted in section 18-26 under categories (1) and (3) of "contractors," each person shall apply for and receive a license, the amount of which shall be fixed by the city.

Division 2. Homebuilding contractors

Sec. 14-127. License and state certification required.

Before engaging in the business of or doing any homebuilding work for others in the city, each person shall produce a current state certificate issued by the state homebuilder's license board and apply for and receive a license, the amount of which shall be fixed by the city.

Exception: General contractors possessing a state general contractor's license with a license number below 18908 may construct homes without obtaining a state homebuilders certification.

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

Section 4. That nothing in this ordinance or in the International and NFPA Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

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

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect July 1, 2007 from and after the date of its final passage and adoption.

PASSED, ADOPTED AND APPROVED on May 29, 2007.

ATTEST:

Pam McCoy
City Clerk

Pat Thomas
Mayor

[Signature]
Associate Commissioner

I hereby certify that the above Ordinance was published in THE DOTHAN EAGLE, a newspaper of general circulation and published in the City of Dothan, Alabama on June 3, 2007

Pam McCoy
City Clerk

BOARD OF CITY COMMISSIONERS