

STATE OF ALABAMA

MADISON COUNTY

**RESOLUTION OF THE MADISON COUNTY COMMISSION**

**WHEREAS**, on June 6, 2005, the Madison County Commission adopted building laws and codes for commercial and industrial construction in the unincorporated areas of Madison County; and

**WHEREAS**, the Madison County Commission has determined that it is in the best interest of the citizens of Madison County to further amend such building laws and codes as provided herein; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MADISON COUNTY COMMISSION** the ORDINANCE ADOPTING COMMERCIAL BUILDING LAWS AND CODES FOR THE UNINCORPORATED AREAS OF MADISON COUNTY is hereby amended as follows:

**ARTICLE I**  
**COMMERCIAL BUILDING CODE**

**SECTION 1. International Building Code Adopted.** The International Building Code, 2003 edition, save and except Section 103, and Appendix Chapters "A", "B", "C", "D" and "G" (hereinafter referred to as the "International Building Code"), published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, and the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Article I, Sections 3 through and including 16. The purpose and subject matter of the International Building Code include regulating construction aspects of building through comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, equipping, use, height, area, and maintenance of buildings and structures and providing greater safety to the public by uniformity in building laws.

**SECTION 2. Marked copies of Code on file.** There shall be at least one (1) copy of the code adopted by reference in Article I, Section 1 kept on file in the office of the building official, which shall be available for public inspection at the office of the Building Safety Department between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, legal holidays excepted.

**SECTION 3. Code Official.** The Madison County Building Official or his or her designee will be known as the code official or building official for the purposes of this chapter and will have the duty of enforcing provisions of this chapter.

**SECTION 4. Subsection 101.1 Amended- Title.** Subsection 101.1 of the International Building Code entitled "Title" is hereby amended to read as follows:

101.1 Amended- Title. These provisions shall be known as the Commercial Building Code of Madison County, and shall be cited as such and will be referred to herein as "this code."

**SECTION 5. Subsection 101.2 Amended- Scope.** Subsection 101.2 of the International Building Code entitled "Scope" is hereby amended to read as follows:

101.2 Amended- Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, 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 may be required to comply with the International Existing Building Code.
3. Improvements intended to be used for agricultural purposes.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

**SECTION 6. Subsection 104.6 Amended- Right of entry.** Subsection 104.6 of the International Building Code entitled "Right of entry" is hereby amended to read as follows:

104.6 Amended- Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.6.1 Repair of dangerous equipment. When any building or equipment is found by the building official or his or her designee to be dangerous to persons or property because it is defective or defectively installed, the person, firm or corporation responsible for the building or equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the building official or his or her designee to place such equipment in safe condition, and if such work is not completed within fifteen (15) days, the building official or his or her designee shall have the authority to disconnect or order the discontinuance of electric, gas, or plumbing equipment. In cases of emergency, where necessary for safety to persons or property, or where electrical, gas, or plumbing equipment may interfere with the work of a fire department, the building official or his or her designee shall have the authority to immediately disconnect or cause the disconnection of any electrical, gas, or plumbing equipment.

**SECTION 7. Subsection 105.5 Amended- Expiration.** Subsection R105.5 of the International Building Code entitled "Expiration" is hereby amended to read as follows:

105.5 Amended- Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension submitted to the building official shall be requested in writing and justifiable cause demonstrated.

**SECTION 8. Subsection 105.8 Responsibility.** Subsection 105.8 entitled "Responsibility" is hereby added to and supplements the International Building Code and shall read as follows:

105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

**SECTION 9. Subsection 105.9 Penalty.** Section 105.9 entitled "Penalty" is hereby added to and supplements the International Building Code and shall read as follows:

105.9 Penalty. If any person, firm or corporation commences work in or on a building or other structure subject to these regulations before obtaining the necessary permits from Madison County, the permit fees shall be doubled.

**SECTION 10. Subsection 108.2 Amended– Schedule of permit fees.** Subsection 108.2 of the International Building Code entitled "Schedule of Permit Fees" is hereby amended to read as follows:

108.2 Amended- Schedule of Permit Fees. On new buildings, structures, or alterations, additions, or modifications to existing buildings or structures, a fee for each permit shall be paid as required at the time of filing the application, in accordance with the schedule established by the building official and approved by the Madison County Commission. The said schedule of permit fees may be amended from time to time without requiring the amendment of this code. The initial schedule of permit fees shall be as follows:

1. Building permit fees for the construction of, or, addition to, buildings or other structures governed by this code shall be the greater of One Hundred Dollars (\$100.00) or the amount assessed in the following manner:

TOTAL PROJECT COST x \$0.006.

2. Demolition of buildings or structures. For the demolition of buildings or structures, the fee shall be One Hundred Dollars (\$100.00).

3. Special flood hazard area. For all activities in a special flood hazard (area as defined by the corresponding Madison County flood ordinance) under this code, the fee shall be One Hundred Dollars (\$100.00).

4. Repair of buildings or structures. For the repair of any building or structure damaged by natural or manmade forces, the fee shall be the greater of One Hundred Dollars (\$100.00) or the amount assessed in the following manner:

TOTAL ESTIMATED COST OF THE REPAIR x \$0.006.

5. If for any reason an installation does not pass inspection, an additional inspection shall be made after the installation has been changed so as to conform to the requirements set forth in this code. A reinspection fee shall be charged in an amount of Twenty-Five Dollars (\$25.00) for each and every additional inspection.

6. Plan review fees for buildings or structures. The fee for plan review shall be the greater of One Hundred Dollars (\$100.00) or the amount assessed in the following manner:

TOTAL VALUATION OF THE PROJECT x \$0.001.

This is a one time fee so long as no changes of any kind whatsoever are made in the original plan.

**SECTION 11. Subsection 109.6 Amended- Approval required.** Subsection 109.4 of the International Building Code entitled "Approval required" is hereby amended to read as follows:

109.6 Amended- Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification, shall make the requested inspection within twenty four (24) hours of the time such notice is given, exclusive of Saturdays, Sundays, and legal holidays, unless prevented by an Act of God, emergency or act of the person, firm or corporation making the installation; provided, however, that the inspector shall make no inspection unless the person, firm, or corporation responsible for the work shall provide the inspector with sufficient evidence that all permits for the building in which said installation was made have been obtained and paid for in full. Any work that does not comply with this codes or other laws shall be corrected and such work shall not be covered or concealed until authorized by the building official.

109.6.1 Equipment hidden from view. When any part of the building, plumbing, gas, or electrical equipment is to be hidden from view by the permanent placement of parts of the

building, the person, firm or corporation installing the equipment shall notify the building official and such equipment shall not be concealed until it has been inspected and approved by the building official or until twenty four (24) hours, exclusive of Saturdays, Sundays, and legal holidays, shall have elapsed from the time of such notification; provided that on installations, where concealment of equipment proceeds continuously, the person, firm or corporation installing the equipment shall give the building official due notice, and inspections shall be made periodically during the progress of the work.

**SECTION 12. Section 110 Amended- Certificate of Occupancy and Certificate of Approval.** Section 110 of the International Building Code entitled "Certificate of Occupancy" is hereby amended and shall read as follows:

### **SECTION 110 CERTIFICATE OF OCCUPANCY**

110.1 Amended- Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. 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. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

110.2 Amended- Certificate issued. Where the building official inspects the building or structure and finds no violations of the provisions of this code or other laws, and that any and all permits for the building in which the work is being performed have been obtained and paid for, and that all contractor's licenses for said building have been obtained and paid for, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

110.3 Connection to Installations. It shall be unlawful for any person to make any connection from a supply of gas or electricity or to supply gas or electricity to any gas or electrical equipment for the installation of which a permit is required, or which has been disconnected or ordered to be disconnected by the building official, until approval has been issued by the building official, authorizing the connection and use of such equipment.

110.4 Amended- Temporary occupancy. In cases of exceptional hardship and in cases affecting public health, safety or welfare resulting from any natural disaster, the building official is

authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall establish a time period during which the temporary certificate of occupancy is valid.

110.5 Revocation. The building official shall, in writing, suspend or revoke a certificate of occupancy 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.

**SECTION 13. Section 112 Amended– Board of Appeals.** Section 112 of the International Building Code entitled "Board of Appeals" is hereby amended as follows:

**SECTION 112  
BOARD OF APPEALS**

112.1 Amended - General. There is hereby established in Madison County a board to be called the Board of Building Inspection Appeals which shall consist of sixteen (16) members who shall be appointed by the Madison County Commission. The persons appointed to serve on this Board shall be residents of the unincorporated area of Madison County with the sole exception that if the Madison County Commission cannot identify a person who lives in the unincorporated area of Madison County, who possesses the required qualifications and who is willing to serve, a person residing elsewhere in Madison County may be appointed. Such Board shall be composed of:

1. One person engaged in the electrical contracting business.
2. One person engaged in the plumbing contracting business.
3. One person engaged in the residential construction business.
4. One person engaged in the heating and/or air conditioning business.
5. One certified gas pipe fitter.
6. One registered architect.
7. One registered engineer.
8. One licensed general contractor.
9. One representative of the Madison County Water Department.
10. A resident of Madison County District One who shall not be engaged in the business of residential or commercial construction or repair, who shall be selected by the member of the Madison County Commission from District One.
11. A resident of Madison County District Two who shall not be engaged in the business of residential or commercial construction or repair, who shall be selected by the member of the Madison County Commission from District Two.
12. A resident of Madison County District Three who shall not be engaged in the business of residential or commercial construction or repair, who shall be selected by the member of the Madison County Commission from District Three.
13. A resident of Madison County District Four who shall not be engaged in the business of residential or commercial construction or repair, who shall be selected by the member of the Madison County Commission from District Four.
14. A resident of Madison County District Five who shall not be engaged in the business of residential or commercial construction or repair, who shall be selected by the member of the Madison County Commission from District Five.

15. A resident of Madison County District Six who shall not be engaged in the business of residential or commercial construction or repair, who shall be selected by the member of the Madison County Commission from District Six.

16. A resident of the unincorporated area of Madison County who shall not be engaged in the business of residential or commercial construction or repair, who shall be selected by the Chairman of the Madison County Commission.

112.2 Limitations on authority, appeals and variances. The Board of Building Inspection Appeals shall have the power, upon proper request, to reverse or modify a refusal, order or disallowance of the Building Official as to the proper application of the code and to grant a variance when the literal enforcement of the code will create an unnecessary hardship on the property owner, provided, that in the opinion of the Board, no hazard to life or property is created and the intent of the code is substantially adhered to. Any variance granted shall become invalid six (6) months after issuance unless a permit to perform the work authorized by said variance has been issued. In granting any variance, the Board may prescribe appropriate conditions and safeguards. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this code and punishable as provided herein.

112.3 Determination of substantial improvement in areas prone to flooding. When the building official provides a finding required in Section R105.3.1.1, the board of appeals shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the building official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:
  - 2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
  - 2.2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
  - 2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

112.3.1 Criteria for issuance of a variance for areas prone to flooding. A variance shall only be issued upon satisfaction of each of the following conditions:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards in Section R323 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

#### 112.4 Amended - Term of office.

1. All members shall be appointed for a term of three (3) years EXCEPT the initial term of those persons appointed to positions (1), (4), (7), (10) and (13), above, shall be one (1) year, the initial term of those persons appointed to positions (2), (5), (8) and (11), above, shall be two (2) years and the initial term of those persons appointed to positions (3), (6), (9) and (12), above, shall be three (3) years.

2. Any member whose term has expired shall hold over until his or her successor is appointed.

112.5 Amended - Quorum. Seven members of the Board shall constitute a quorum. No Board member shall act in any case in which the Board member or any member of the member's family as defined in Code of Alabama, § 36-25-1, or any business of which they are associated, as defined in Code of Alabama, § 36-25-1, has a direct interest or stands to obtain direct private gain. Any official action of this Board must be by a majority vote of those present and voting.

112.6 Amended - Election of officers and records of proceedings. The Board shall elect its own officers and shall keep or cause to be kept a full and complete record of all its proceedings which shall set forth the reasons for its decisions. The records of said Board shall be open to public inspection during business hours.

112.7 Amended - Procedure. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The Board shall hold regular meetings at any time fixed by rule or resolution of said Board. The chairman or any four (4) members of said Board may call special meetings for any stated purpose on at least twenty four (24) hours notice to each member in person, by mail, or by telephone.

#### 112.8 Amended - Decisions.

1. Every decision of the Board of Building Inspection Appeals shall be final; subject, however, to such remedy as any aggrieved party might have at law or in equity. The decision of the Board shall be made known to the applicant in writing. Every decision shall be filed promptly in the office of the building official and shall be open to public inspection during business hours.

2. The Board of Building Inspection Appeals shall reach a decision in every case without unreasonable or unnecessary delay.

3. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of any of the codes adopted below, the building official shall immediately take action in accordance with such decision.

112.9 Amended - Legal advisor. The County Attorney, or such other attorney designated by the County Attorney, shall serve as legal advisor to the Board of Building Inspection Appeals.

**SECTION 14. Section 116 Contractors.** Section 116 entitled "Contractors" is hereby added to and supplements the International Building Code and shall read as follows:

## **SECTION 116 CONTRACTORS**

116.1 License. It shall be the duty of every contractor to pay a privilege license to Madison County, Alabama as provided in Ordinance No. 1 (Privilege License Code) adopted by the Madison County Commission on March 21, 1977, as last amended, and to register his name in a book provided for that purpose with the building official, giving full name, residence, and place of business, and in case of removal from one place to another in Madison County, Alabama, to have made corresponding changes in said register accordingly. Every contractor shall be duly licensed as required by the laws of the State of Alabama.

### 116.2 Insurance.

1. Any person engaged as a contractor shall be covered by a public liability insurance policy to include the coverage known as manufacturers and contractors liability and products and completed operations, issued by a solvent insurance company, licensed to do business in the State, which said policy shall be subject to the following minimum limitations.
2. For every contractor said policy shall provide a minimum coverage for all damages arising out of the bodily injury to any one person of fifty thousand dollars (\$50,000) and bodily injury in any one accident with an aggregate amount of One Hundred Thousand Dollars (\$100,000.00). Said policy shall provide minimum coverage for all damages to the property of others of Fifty Thousand Dollars (\$50,000.00) arising out of any one accident with an aggregate amount of Fifty Thousand Dollars (\$50,000.00). The minimum coverage for one occurrence must be One Hundred Fifty Thousand (\$150,000.00). These limits apply to both public liability and completed operations.
3. Such policy shall include an endorsement acceptable to the Building Official providing for ten (10) days prior written notification to the Building Official of a material change or cancellation of such policy. A certificate of insurance signed by the authorized agent of said company shall be filed with the Building Official and shall remain on file with him.

116.3 Use of name by another contractor. No person, firm or corporation shall allow his name to be used, directly or indirectly, by any other person engaged as a contractor or subcontractor for the purpose of obtaining a permit or for construction of any work, unless such person, firm or corporation whose name is to be used actually supervise such work.

116.4 Removal of a contractor. Any owner, occupant or holder of a building permit desiring to remove any contractor, who shall be required to first obtain a permit to practice his or her particular trade by this code or other state or local law, must furnish the building official a copy of the written notification to said contractor that he or she has been relieved of his or her contract. The holder of the building permit must sign the other required forms at the office of the building official in person, or mail a notarized copy of the required forms to the building official.

**SECTION 15. Section 202 Amended- Definitions.** Section 202 of the International Building Code entitled "Definitions" is hereby supplemented with the following definitions, which shall be incorporated in this code in the proper alphabetical order, as follows:

**CONTRACTOR.** Any person, firm or corporation who contracts to do work for another, including but not limited to, a electrical, gas, general, heating and air conditioning, plumbing or residential contractor, as herein defined.

**CONTRACTING.** Any job or project in Madison County regularly or customarily performed by any contractor, including, but not limited to, an electrical contractor, gas contractor, general contractor, heating and air conditioning contractor, plumbing contractor or residential contractor, as herein defined.

**ELECTRICAL CONTRACTOR.** Any person, firm or corporation who, for a fixed price, commission, fee or wage, is engaged in the business of installing electrical power or control systems; maintaining, altering, or repairing any electrical wiring devices, equipment or any other electrical apparatus.



**GAS CONTRACTOR.** Any person, firm or corporation who, for a fixed price, commission, fee or wage, is engaged in the business of installing and/or repairing gas pipes, gas furnaces, and gas appliances.

**GENERAL CONTRACTOR.** Any person, firm or corporation who, for a fixed price, commission, fee or wage, is engaged in the business of the construction, erection, alteration, repair, or demolition of buildings or structures, or one who contracts for the completion of an entire project, including purchasing materials, hiring and paying subcontractors, and coordinating all the work.

**HEATING AND AIR CONDITIONING CONTRACTOR.** Any person, firm or corporation who, for a fixed price, commission, fee or wage, is engaged in the installation, service, or repair of heating and/or cooling apparatus consisting of an air, heating, and/or cooling fixture from pipes, plenums, or blowers including any accessory and equipment installed in connection therewith; excluding, however, window units, automotive, or farm implement type heating and/or air conditioning equipment.

**JOURNEYMAN ELECTRICIAN.** Any person who possesses the necessary qualifications, training and technical knowledge to install electrical wiring, apparatus or equipment for lighting, heating, power or controls, as covered by the terms and provisions of this code, must work under master or state certified electrical contractor, also he shall be capable of doing said work according to plans and specifications furnished by him and in accordance with standard rules and regulations governing such work.

**MASTER ELECTRICIAN.** A person who possesses the necessary qualifications, training and technical knowledge to plan, lay out and supervise the installation of electrical wiring, apparatus or equipment for lighting, heating, power or controls, and who possesses any of the following: (a) has obtained four (4) years of practical experience as a journeyman electrician in charge of jobs; (b) has a professional electrical engineering degree; or (c) has five (5) years experience in the design and construction of electrical systems.

**PLUMBING CONTRACTOR.** Any person, firm or corporation who, for a fixed price, commission, fee or wage, is engaged in the business of plumbing, steam fitting, installing sewers, excavating, or blasting for same.

**RESIDENTIAL CONTRACTOR.** Any person, firm or corporation who, for a fixed price, commission, fee or wage, is engaged in the business of the construction, erection, alteration, repair, or demolition of buildings or structures.

**SECTION 16. Subsection 1612.3 Amended- Establishment of flood hazard areas.** Section 1612.3 of the International Building Code entitled "Establishment of flood hazard areas" is hereby amended to read as follows:

1612.3 Establishment of flood hazard areas. Areas of special flood hazard are identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Madison County, Alabama" dated April 20, 1998, as last amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

**SECTION 17. Subsection 3410.2 Amended- Applicability.** Section 3410.2 of the International Building Code entitled "Applicability" is hereby amended to read as follows:

3410.2 Amended- Applicability. Structures existing prior to August 1, 2005, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

## ARTICLE II ELECTRICAL CODE

**SECTION 1. National Electric Code adopted.** The National Electric Code, 2002 edition, (NFPA 70-2002) issued by the Standards Council of the National Fire Protection Association, Inc. on July 13, 2001, effective August 2, 2001, and approved as an American National Standard on August 2, 2001, together with the appendices and indices forming a part thereof, is adopted by reference and made a part of this chapter as if fully set out herein. The said code is adopted for the purpose of protecting the public health, safety and general welfare by establishing rules and regulations within the unincorporated area of Madison County, Alabama, for the installation or repair of electrical conductors and equipment in connection with wiring buildings or other structures for electric current or equipment, or for the making of any repairs extensions, or alterations in electrical wiring which may be now installed in any building or other structure within the unincorporated area of Madison County, Alabama, including permits and penalties. Table 3-A (Electrical Permit Fees) of the Uniform Administrative Code Provisions is hereby deleted. Permit fees for purposes of this Section shall be as established by the Alabama State Electrical Contractors Board, as from time to time amended.

**SECTION 2. Marked Copies of Code on File.** There shall be at least one (1) copy of the code adopted by reference in Article II, Section 1 kept on file in the office of the building official, which shall be available for public inspection at the office of the Building Safety Department between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, legal holidays excepted.

**SECTION 3. ICC Electrical Code- Administration Provisions adopted.** The 2003 ICC Electrical Code- Administrative Provisions, save and except those provisions incompatible with the Administrative Provisions contained in the International Building Code, as amended by Article I above, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Article II, Sections 5 through and including 8.

**SECTION 4. Marked Copies of Code on File.** There shall be at least one (1) copy of the code adopted by reference in Article II, Section 3 kept on file in the office of the building official, which shall be available for public inspection at the office of the Building Safety Department between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, legal holidays excepted.

**SECTION 5. Code Official.** The Building Official or his or her designee will be known as the code official or building official for the purposes of this chapter and will have the duty of enforcing provisions of this chapter.

**SECTION 6. Subsection 101.1 Amended- Title.** Subsection 101.1 of the ICC Electrical Code- Administrative Provisions entitled "Title" is hereby amended to read as follows:

101.1 Amended- Title. These provisions shall be known as the ICC Electrical Code- Administration Provisions of Madison County, and shall be cited as such and will be referred to herein as "this code."

**SECTION 7. Subsection 404.2 Amended- Schedule of permit fees.** Subsection 404.2 of the ICC Electrical Code- Administrative Provisions entitled "Schedule of permit fees" is hereby amended to read as follows:

404.2 Amended- Schedule of permit fees. A permit fee shall be paid as required at the time of filing the application, in accordance with the schedule established by the building official and approved by the Madison County Commission. The said schedule of permit fees may be amended from time to time without requiring the amendment of this code. The initial schedule of permit fees shall be as follows:

1. Electrical permit fees for the construction of, or, addition to, any and all buildings or other structures governed under this code shall be the greater of Fifty Dollars (\$50.00) or the amount assessed in the following manner:

TOTAL SQUARE FOOTAGE (UNDER BEAM) x \$0.02 PER SQUARE FOOT.

2. For remodeling and/or additions requiring installation or alteration of electrical equipment, permit fees shall be calculated as follows:

2.1 For service entrance not exceeding four hundred (400) amperes, a permit fee of Fifty Dollars (\$50.00).

2.2 For service entrance over four hundred (400) amperes through eight hundred (800) amperes, a permit fee of One Hundred Dollars (\$100.00).

2.3 For service entrance exceeding eight hundred (800) amperes, a permit fee of Two Hundred Dollars (\$200.00).

3. If for any reason an installation does not pass inspection, an additional inspection shall be made after the installation has been changed so as to conform to the requirements set forth in this code. A reinspection fee shall be charged in an amount of Twenty-Five Dollars (\$25.00) for each and every additional inspection.

**SECTION 8. Chapter 11 Deleted- Means of appeal.** Chapter 11 of the ICC Electrical Code- Administrative Provisions is hereby deleted in its entirety. Any person aggrieved by a decision of the building official may appeal in writing to the board of adjustments and appeals as provided Article I, Section 13 hereof.

### **ARTICLE III** **EXISTING BUILDING CODE**

**SECTION 1. Existing Building Code adopted.** The International Existing Building Code, 2003 edition, save and except Section 103, Appendix "A" and those provisions incompatible with the Administrative Provisions contained in the International Building Code, as amended by Article I above, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Article III, Sections 3 through and including 7. The subject matter of the adopted code includes comprehensive provisions and standards regulating the use and reuse of existing buildings, including the alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings or structures within the unincorporated area of Madison County, Alabama, for the purpose of protecting the public health, safety and general welfare.

**SECTION 2. Marked copies of Code on file.** There shall be at least one (1) copy of the code adopted by reference in Article III, Section 1 kept on file in the office of the building official, which shall be available for public inspection at the office of the Building Safety Department between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, legal holidays excepted.

**SECTION 3. Code Official.** The Building Official or his or her designee will be known as the code official or building official for the purposes of this chapter and will have the duty of enforcing provisions of this chapter.

**SECTION 4. Subsection 101.1 Amended- Title.** Subsection 101.1 of the International Existing Building Code entitled "Title" is hereby amended to read as follows:

101.1 Amended- Title. These regulations shall be known as the Existing Building Code of Madison County, and shall be cited as such and will be referred to herein as "this code."

**SECTION 5. Subsection 108.2 Amended- Schedule of permit fees.** Subsection 108.2 of the International Existing Building Code entitled "Schedule of permit fees" is hereby amended to read as follows:

108.2 Amended- Schedule of permit fees. On buildings, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing the application, in accordance with the schedule established by the building official and approved by the Madison County Commission. The said schedule of permit fees may be amended from time to time without requiring the amendment of this code. The schedule of permit fees under this code shall coincide with the schedules provided in the International

Building Code and the International Residential Code, as amended and adopted, depending on the type of existing building involved.

**SECTION 6. Section 112 Amended- Board of Appeals.** Section 112 of the International Existing Building Code entitled "Board of Appeals" is hereby amended and the provisions contained in Article I, Section 13 hereof are adopted by this reference as if set forth fully herein.

**SECTION 7. Subsection 1201.2 Amended- Applicability.** Subsection 1201.2 of the International Existing Building Code entitled "Applicability" is hereby amended to read as follows:

1201.2 Amended- Applicability. Structures existing prior to August 1, 2005, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 10. The provisions of Sections 1201.2.1 through 1201.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

#### **ARTICLE IV** **MECHANICAL CODE**

**SECTION 1. International Mechanical Code adopted.** The International Mechanical Code, 2003 edition, save and except Section 103, Appendix "B" and those provisions incompatible with the Administrative Provisions contained in the International Building Code, as amended by Article I above, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Article IV, Sections 3 through and including 7. The subject matter of the adopted code includes comprehensive provisions and standards regulating the installation and maintenance of heating, ventilating, cooling and refrigerated systems within or on public or private buildings or other structures within the unincorporated of Madison County, Alabama for the purpose of protecting the public health, safety and general welfare.

**SECTION 2. Marked copies of Code on file.** There shall be at least one (1) copy of the code adopted by reference in Article IV, Section 1 kept on file in the office of the building official, which shall be available for public inspection at the office of the Building Safety Department between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, legal holidays excepted.

**SECTION 3. Code Official.** The Building Official or his or her designee will be known as the code official or building official for the purposes of this chapter and will have the duty of enforcing provisions of this chapter.

**SECTION 4. Subsection 101.1 Amended- Title.** Subsection 101.1 of the International Mechanical Code entitled "Title" is hereby amended to read as follows:

101.1 Amended- Title. These regulations shall be known as the Mechanical Code of Madison County, and shall be cited as such and will be referred to herein as "this code."

**SECTION 5. Subsection 106.5.2 Amended- Schedule of permit fees.** Subsection 106.5.2 of the International Mechanical Code entitled "Schedule of permit fees" is hereby amended to read as follows:

106.5.2 Amended- Schedule of permit fees. A permit fee shall be paid as required at the time of filing the application, in accordance with the schedule established by the building official and approved by the Madison County Commission. The said schedule of permit fees may be amended from time to time without requiring the amendment of this code. The initial schedule of permit fees shall be as follows:

1. Mechanical permit fees for the construction of, or, addition to, any and all buildings or other structures governed under this code shall be the greater of Fifty Dollars (\$50.00) or the amount assessed in the following manner:

TOTAL SQUARE FOOTAGE (UNDER BEAM) X \$0.02 PER SQUARE FOOT.

2. For repairs and/or remodeling requiring installation or alteration of mechanical equipment, the permit fees shall be the greater of the following two (2) methods:

2.1 TOTAL ESTIMATED COST OF REPAIR x \$0.005; or

2.2 TOTAL SQUARE FOOTAGE OR REPAIR/REMODEL x \$0.02 PER SQUARE FOOT.

3. If for any reason an installation does not pass inspection, an additional inspection shall be made after the installation has been changed so as to conform to the requirements set forth in this code. A reinspection fee shall be charged in an amount of Twenty-Five Dollars (\$25.00) for each and every additional inspection.

**SECTION 6. Subsection 106.5.3 Amended- Refunds.** Subsection 106.5.3 of the International Mechanical Code entitled "Refunds" is hereby amended to read as follows:

106.5.3 Amended- Refunds. The building official is authorized to establish a refund policy.

**SECTION 7. Section 109 Means of Appeal.** Section 109 of the International Mechanical Code entitled "Means of Appeal" is hereby deleted in its entirety. Any person aggrieved by a decision of the building official may appeal in writing to the board of adjustments and appeals as provided Article I, Section 13 hereof.

#### **ARTICLE V** **PLUMBING CODE**

**SECTION 1. International Plumbing Code adopted.** The International Plumbing Code, 2003 edition, save and except Section 103, Appendices "A", "C", "E", "F" and "G" and those provisions incompatible with the Administrative Provisions contained in the International Building Code, as amended by Article I above, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Article V, Sections 3 through and including 9. The subject matter of the adopted code includes comprehensive provisions and standards regulating the installation of plumbing systems and equipment within or on public or private buildings or other structures within the unincorporated area of Madison County, Alabama for the purpose of protecting the public health, safety and general welfare.

**SECTION 2. Marked copies of Code on file.** There shall be at least one (1) copy of the code adopted by reference in Article V, Section 1 kept on file in the office of the building official, which shall be available for public inspection at the office of the Building Safety Department between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, legal holidays excepted.

**SECTION 3. Code Official.** The Building Official or his or her designee will be known as the code official or building official for the purposes of this chapter and will have the duty of enforcing provisions of this chapter.

**SECTION 4. Subsection 101.1 Amended- Title.** Subsection 101.1 of the International Plumbing Code entitled "Title" is hereby amended to read as follows:

101.1 Amended- Title. These regulations shall be known as the Plumbing Code of Madison County, and shall be cited as such and will be referred to herein as "this code."

**SECTION 5. Subsection P106.6.2 Amended- Fee schedule.** Subsection 106.6.2 of the International Plumbing Code entitled "Fee schedule" is hereby amended to read as follows:

P106.6.2 Amended- Fee schedule.

1. Plumbing permit fees for the construction of, or, addition to, any and all buildings or other structures governed under this code shall be the greater of Fifty Dollars (\$50.00) or the amount assessed in the following manner:

TOTAL SQUARE FOOTAGE (UNDER BEAM) x \$0.02 PER SQUARE FOOT.

2. For repairs and/or remodeling requiring installation or alteration of plumbing equipment, the permit fees shall be the greater of the following two (2) methods:

2.1 TOTAL ESTIMATED COST OF REPAIR x \$0.005; or

2.2 TOTAL SQUARE FOOTAGE OR REPAIR/REMODEL x \$0.02 PER SQUARE FOOT.

3. House moving plumbing permit shall be Fifty Dollars (\$50.00).

4. If for any reason an installation does not pass inspection, an additional inspection shall be made after the installation has been changed so as to conform to the requirements set forth in this code. A reinspection fee shall be charged in an amount of Twenty-Five Dollars (\$25.00) for each and every additional inspection.

**SECTION 6. Subsection P106.6.3 Amended- Refunds.** Subsection 106.6.3 of the International Plumbing Code entitled "Refunds" is hereby amended to read as follows:

P106.6.3 Amended- Refunds. The building official is authorized to establish a refund policy.

**SECTION 7. Section 109 Means of Appeal.** Section 109 of the International Plumbing Code entitled "Means of Appeal" is hereby deleted in its entirety. Any person aggrieved by a decision of the building official may appeal in writing to the board of adjustments and appeals as provided in Article I, Section 13 hereof.

**SECTION 8. Subsection P305.6.1 Deleted- Sewer depth.**

**SECTION 9. Subsection P904.1 Deleted- Roof extension.**

#### **ARTICLE VI FIRE CODE**

**SECTION 1. International Fire Code adopted.** The International Fire Code, 2003 edition, save and except Section 103, Appendices "A", "B", "C", "D", "E", "F" and "G" and those provisions incompatible with the Administrative Provisions contained in the International Building Code, as amended by Article I above, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Article VI, Sections 3 through and including 6. The subject matter of the adopted code includes comprehensive provisions and standards regulating the construction, alteration and use of all public and private buildings or improvements for the purpose of protecting the public health, safety and general welfare.

**SECTION 2. Marked copies of Code on file.** There shall be at least one (1) copy of the code adopted by reference in Article VI, Section 1 kept on file in the office of the building official, which shall be available for public inspection at the office of the Building Safety Department between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, legal holidays excepted.

**SECTION 3. Code Official.** The Fire Marshall or his or her designee will be known as the code official or fire code official for the purposes of this chapter and will have the duty of enforcing provisions of this chapter.

**SECTION 4. Subsection 101.1 Amended- Title.** Subsection 101.1 of the International Fire Code entitled "Title" is hereby amended to read as follows:

101.1 Amended- Title. These regulations shall be known as the Fire Code of Madison County, and shall be cited as such and will be referred to herein as "this code."

**SECTION 5. Subsection 109.3 Amended- Violation penalties.** Subsection 109.3 of the International Fire Code entitled "Violation penalties" is hereby amended to read as follows:

109.3 Amended- Violation penalties. Any person, firm or corporation who shall violate any provisions of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or who has erected, constructed, altered, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and approved hereunder, or shall fail to comply with an order made under the provisions of this code, shall be deemed guilty of a Class C misdemeanor. Each 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 or continued.

**SECTION 6. Subsection 111.4 Amended- Failure to comply.** Subsection 111.4 of the International Fire Code entitled "Failure to comply" is hereby amended to read as follows

111.4 Amended- Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of Five Hundred Dollars (\$500.00) for each and every day or portion thereof during which any failure to comply is committed or continued.

## **ARTICLE VII** **FUEL GAS CODE**

**SECTION 1. International Fuel Gas Code adopted.** The International Fuel Gas Code, 2003 edition, save and except Section 103 and those provisions incompatible with the Administrative Provisions contained in the International Building Code, as amended by Article I above, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Article VII, Sections 3 through and including 7. The subject matter of the adopted code includes minimum standards relating to the mechanical installations in or in connection with the construction, alteration and repair of new and existing structures including design, construction, installation, quality of materials, locations, operation, and maintenance or use of fuel-gas piping systems, fuel-gas utilization equipment and related accessories for the purpose of protecting the public health, safety and general welfare.

**SECTION 2. Marked copies of Code on file.** There shall be at least one (1) copy of the code adopted by reference in Article VII, Section 1 kept on file in the office of the building official, which shall be available for public inspection at the office of the Building Safety Department between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, legal holidays excepted.

**SECTION 3. Code Official.** The Building Official or his or her designee will be known as the code official or building official for the purposes of this chapter and will have the duty of enforcing provisions of this chapter.

**SECTION 4. Subsection 101.1 Amended- Title.** Subsection 101.1 of the International Fuel Gas Code entitled "Title" is hereby amended to read as follows:

101.1 Amended- Title. These regulations shall be known as the Fuel Gas Code of Madison County, and shall be cited as such and will be referred to herein as "this code."

**SECTION 5. Subsection 106.5.2 Amended- Fee schedule.** Subsection 106.5.2 of the International Fuel Gas Code entitled "Fee schedule" is hereby amended to read as follows:  
106.5.2 Amended- Fee schedule.

1. Gas permit fees for the construction of, or, addition to, any and all buildings or other structures governed under this code shall be the greater of Fifty Dollars (\$50.00) or the amount assessed in the following manner:

TOTAL SQUARE FOOTAGE (UNDER BEAM) x \$0.02 PER SQUARE FOOT.

2. For remodeling and/or additions requiring installation or alteration of gas equipment, permit fees will be calculated as follows: permit fees shall be based on the total

British Thermal Unit, hereinafter referred to as BTU, input load with the exception of items (7), (8), and (9) for the installation. Permit fees shall be as follows:

2.1	150,000 BTU or less	\$50.00
2.2	150,001 BTU to 250,000 BTU	\$75.00
2.3	250,001 BTU to 500,000 BTU	\$100.00
2.4	500,001 BTU to 1,000,000 BTU	\$150.00
2.5	1,000,001 BTU and over	\$200.00
2.6	Gas Piping only	\$50.00

3. If for any reason an installation does not pass inspection, an additional inspection shall be made after the installation has been changed so as to conform to the requirements set forth in this code. A reinspection fee shall be charged in an amount of Twenty-Five Dollars (\$25.00) for each and every additional inspection.

**SECTION 6. Subsection 108.5.3 Amended- Refunds.** Subsection 108.5.3 of the International Fuel Gas Code entitled "Refunds" is hereby amended to read as follows:

106.5.3 Amended- Refunds. The building official is authorized to establish a refund policy.

**SECTION 7. Section 109 Means of Appeal.** Section 109 of the International Fuel Gas Code entitled "Means of Appeal" is hereby deleted in its entirety. Any person aggrieved by a decision of the building official may appeal in writing to the board of adjustments and appeals as provided in Article I, Section 13 hereof.

## **ARTICLE VIII** **ENERGY CONSERVATION CODE**

**SECTION 1. International Energy Conservation Code adopted.** The International Energy Conservation Code, 2003 edition, including all appendices and indices save and except those provisions incompatible with the Administrative Provisions contained in the International Building Code, as amended by Article I above, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401 3401 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Article VIII, Sections 3 through and including 9. The subject matter of the adopted code includes the design of energy efficient buildings and energy-efficient mechanical, lighting and power systems.

**SECTION 2. Marked copies of Code on file.** There shall be at least one (1) copy of the code adopted by reference in Article VIII, Section 1 kept on file in the office of the building official, which shall be available for public inspection at the office of the Building Safety Department between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, legal holidays excepted.

**SECTION 3. Subsection 101.1 Amended- Title.** Subsection 101.1 of the International Energy Conservation Code entitled "Title" is hereby amended to read as follows:

101.1 Amended- Title. These regulations shall be known as the Energy Conservation Code of Madison County, and shall be cited as such and will be referred to herein as "this code."

## **ARTICLE IX** **ELECTRICAL LICENSE REQUIREMENT**

**SECTION 1. Declaration of Purpose.** This article is enacted for the purpose of safe guarding property owners and tenants against faulty, inadequate, inefficient or unsafe electrical installations and to protect the life, health and property of property owners and tenants in Madison County. Electrical contracting is hereby declared to affect the public interest, and this article shall be liberally construed so as to accomplish the foregoing purpose.



**SECTION 2. License Required and Exemptions.** No person shall engage in the electrical contracting business or perform work as a master or journeyman electrician unless such person shall have a valid and current license from the State of Alabama; provided, however, the provisions of this article shall not apply:

1. To the installation, construction or maintenance of power systems for the generation and secondary distribution of electric current constructed under the provisions of the national electrical safety code which regulates the safety requirements of utilities;
2. To the installation, construction, maintenance or repair of telephone or signal systems by or for public utilities or their corporate affiliates, when such work pertains to the service furnished by such utilities;
3. To the owner of any premises or any employee of any such owner when performing electrical work or installing, constructing, maintaining, altering or repairing electrical wiring, equipment or apparatus on such premises; provided, however, the owner or employee shall obtain the proper permits, including payment of the required fees, comply with all building standards set forth in the building codes of Madison County;
4. To an employee of an electric utility when installing or repairing electric appliances and equipment for a customer;
5. To any retail merchant, or its employees making the installation of or the repair or maintenance on any appliance that the merchant has sold; or
6. To the installation, construction or maintenance of systems that operate on twenty-five (25) volts or less.

The licensing requirement set forth herein is for the purpose of establishing that a person engaged in the electrical contracting business or performing work as a master or journeyman electrician meets certain minimum qualifications for such work. All persons performing work under a license issued by the State of Alabama must abide by all state and local laws and ordinances.

**SECTION 3. Display of License.** Every person holding a license issued by the State of Alabama shall display it in a conspicuous manner at the person's principal place of business.

**SECTION 4. Board of Appeals.** Any person aggrieved by a decision of the building official may appeal in writing to the Board of Building Inspection Appeals as provided in Article I, Section 13 hereof.

**SECTION 5. Injunctive Power.** Electrical contracting is hereby declared to involve activities affecting the public interest and involving the health and safety and welfare of the public. Such activities when engaged in by a person who is not licensed are declared to be a public nuisance, harmful to the public health, safety and welfare. The building official or the district attorney for Madison County may bring a petition to restrain and enjoin such unlicensed practice in Madison County. It shall not be necessary in order to obtain the equitable relief provided herein to allege or prove that there is no adequate remedy at law.

**SECTION 6. Criminal Penalty for Violation.** It shall be unlawful for any person to violate any provision of this chapter regulating electrical contracting and any person convicted of such violation shall be punished as prescribed for a Class B misdemeanor.

## **ARTICLE X** **MISCELLANEOUS**

**SECTION 1. Madison County Flood Ordinance.** Nothing contained in the ORDINANCE ADOPTING COMMERCIAL BUILDING LAWS AND CODES FOR THE UNINCORPORATED AREAS OF MADISON COUNTY is intended to repeal any section, subsection, sentence, clause or phrase of the Madison County Flood Ordinance. If this code is, for any reason, held to conflict with the Madison County Flood Ordinance, such decision shall

not affect the validity of the remaining portions of this code or the Madison County Flood Ordinance.

**SECTION 2. Civil Actions.** Notwithstanding contrary provisions hereinabove, the decisions of the building official or the decisions of the Board of Building Inspection Appeals reviewing the decision of the building official shall be enforceable in the District Court of Madison County, Alabama, or any other court of competent jurisdiction upon an action brought by the County Attorney, or such other legal counsel authorized to maintain such action for enforcement of the provisions of this code.

**SECTION 3. Liability.** The purpose of the ORDINANCE ADOPTING COMMERCIAL BUILDING LAWS AND CODES FOR THE UNINCORPORATED AREAS OF MADISON COUNTY is to secure to Madison County as a whole the benefits of a well-ordered county government, or to protect the health and secure the safety of occupants of buildings or other residential structures, and not to protect the personal or property interests of individuals. This code, the issuance of permits, review of applications, construction documents or other supporting documents, and any inspections made by or on behalf of Madison County are not intended to be an insurance policy by which Madison County guarantees that each building or other residential structure is built in compliance with this code, nor do such actions constitute in any way a representation, warranty, assurance or statement that this code or other applicable enactments respecting safety have been complied with by the owner or authorized agent. It shall be the full and sole responsibility of the owner authorized agent to carry out the work in respect of which the permit was issued in compliance with this code or other applicable laws or enactment respecting safety. No person shall rely upon any permit as establishing compliance with this code or assume or conclude that this code has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her authorized agent shall be responsible for making such determination.

The building official, his or her officers, agents or employees act exclusively for the benefit of the public. The provisions established in this code hereinabove shall not be construed as imposing upon Madison County, its officers, agents or employees any liability or responsibility for neglectful, careless, unskillful, negligent, wanton or defective inspection or approval of any installation, building, application, construction documents or other residential structure governed by this code, nor for neglectful, careless, unskillful, negligent or wanton failure to review, inspect or approve any installation, building, application, construction documents or other residential structure governed by this code. Madison County shall not be liable or responsible for damages to any property or injury to any person due to neglectful, careless, unskillful, negligent, wanton or defective construction or installation of any building or other residential structure.

**SECTION 4. Effect on certain causes or causes of action.** Nothing in this code or in the International Building Code, National Electric Code, ICC Electrical Code, International Mechanical Code, International Fire Code, International Plumbing Code, International Energy Conservation Code, International Fuel Gas Code, or International Existing Building Code hereby adopted and amended 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this code.

**SECTION 5. Amendments to Standard Codes.** All amendments and changes hereinafter made to the 2003 editions of the International Building Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Fire Code, International Existing Building Code, International Plumbing Code, and 2002 edition of the National Electrical Code as well as the appendices and indices adopted therewith shall take effect within the unincorporated areas of Madison County, Alabama, on October 1 following the adoption and publication of any such amendments and changes without any further action by the Madison County Commission with the sole exception that any change in permit fees must be made by amendment to this code adopted by a Resolution of the Madison County Commission. The code in effect at the time a permit is issued shall govern all inspections conducted in regard to that permit.

**SECTION 6. Effective Date, Exemption and Exception.** This code shall become effective on August 1, 2005 (the "Effective Date"). This code shall not apply to any buildings,

structures, equipment or the performance of any work thereon or regulated by this code, provided that the start of construction shall precede the Effective Date hereof; except, in the event any building, structure, equipment or the performance of any work thereon or regulated by this code is not fully completed within one (1) year of this Effective Date, then the said building, structure, equipment or the performance of any work thereon shall be made to conform to the requirements of this code.

This section shall have the following definitions:

A. "Start of construction" shall mean the following: For other than new construction or substantial improvements, the start means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filing; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

B. "New construction" means structures for which the start of construction commenced on or after the Effective Date of this code and includes any subsequent improvements to such buildings or structures.

C. "Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the building or structure before the start of construction of the improvement. This term includes structures, which have incurred "substantial damage" (or the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred) regardless of the actual repair work performed. The term does not, however, include either:

- (i) Any project for improvement of a structure to correct violation of existing state or local health, sanitary, or safety code specifications when identified by the local code enforcement officials and which are the minimum necessary to assure safe living conditions; or
- (ii) Any alteration of a building listed on the National Register of Historic Places or the Alabama Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**SECTION 7. Conflict of Interest.** The building official and all persons employed in the office of the building official, and their families, as the terms is defined in Code of Alabama, § 36 25 1, shall not solicit or receive any money or anything of value, including a gift, favor or service or promise of future employment, from any contractor or from any person who has applied for a building permit. A violation of this provision shall be just cause for termination.

**SECTION 8. Severability.** If any section, subsection, sentence, clause or phrase of this code is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The Madison County Commission hereby declares that it would have passed this code, 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 invalid or unconstitutional.

DONE this the 4<sup>th</sup> day of May, 2009.

MADISON COUNTY COMMISSION

By: Mike Gillespie  
Mike Gillespie, Chairman

ATTEST:

David Bost

County Administrator

Commissioner \_\_\_\_\_ introduced the foregoing Resolution; Commissioner \_\_\_\_\_ moved the adoption of the Resolution; Commissioner \_\_\_\_\_ seconded the motion, and the Resolution was unanimously adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.