

**ORDINANCE NO. 2020-03-17-1**

**AN ORDINANCE REPEALING ORDINANCE NUMBER 2017-06-20, OF THE CITY OF TAYLOR, ALABAMA**

**WHEREAS**, a public hearing was held on June 20, 2017, 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 over ruled or satisfied.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Taylor, Alabama, as follows;

**Section 1.** It is hereby found that the Taylor City Council held a public hearing in which all persons in favor of or in opposition to the adoption of the 2015 International Building Codes, Fire Codes, and NFPA Standards were given an opportunity to speak thereby meeting the other requirements of law for the adoption of rules and regulations printed in book or pamphlet form by reference to have been complied with.

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

**DIVISION 1. PURPOSE, ADMINISTRATION**

**Sec. 0-1. 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 Code Council (ICC) Codes and National Fire Protection Association (NFPA) Codes relating to amusement devices, building, land disturbance, 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 Taylor and its \_\_\_\_\_.

**Sec. 0-2. Administering authority.**

The Building Official (s) under general direction of the Mayor of the City of Taylor shall be responsible for administration and enforcement of the provisions of this ordinance.

## **DIVISION 2. PERMIT AND INSPECTION REQUIREMENTS**

### **Sec. 0-3. 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 land disturbance plumbing, electrical or heating and air conditioning work in the city without first notifying the Building Official, who will determine whether a permit for such activity is required in accordance with this chapter.

### **Sec. 0-4. Inspection notice in general.**

When any of the trade work is ready for inspection, it shall be the duty of the Contractor/Subcontractor of that trade or owner doing his own work to notify the Building Official's office orally, by telephone or in writing, not less than----- 24 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. 0-5. Requirements.**

Where the Building Official (s)determines that construction permits are required, application for said work must be made to the Building Official (s) in accordance with provisions of this article. The Building Official (s) 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 the Building/Construction Permit Fee Ordinance:

- (1) Building construction or demolition including placement of any accessory structure either constructed or places that serve as a residence or commercial building.
- (2) Trades; plumbing, electrical including low voltage, hard wired, security and alarm system, mechanical (HVAC, gas);
- (3) Curb cuts/driveway turnout;
- (4) Land disturbance, excludes agricultural purposes;
- (5) Gasoline and bottled gas installation;
- (6) Manufactured housing placement and set-up;
- (7) Roofing;
- (8) Sewer connections;
- (9) Signs, Business;
- (10) Any fixed fire suppression system installation, commercial or residential included but not limited to sprinklers, hood and paint booth;
- (11) Irrigation sprinkler system installation if "backflow" valve installed by the owner or a contractor, if it is on a public water system;
- (12) Siding;
- (13) Awnings;

(14) Paving;

(15) Swimming Pools; (Inground)

### **DIVISION 3. PERMIT FEES**

#### **Sec. 0-6. Permit fees; in general.**

Permit fees shall be based upon the cost of construction or other valuation defined in the City of Taylor Building/Construction Permit Fee Ordinance on all buildings, structures or alterations requiring a building permit, fee shall be paid as required at the time of filing of an application and before any construction begins.

#### **Sec. 0-7. Permit fee schedule.**

The permit fee schedule is established in Ordinance No 2017-06-20-2.

#### **Sec. 0-8. 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 Section 0-7 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. 0-9. 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 Ordinance No. 2017-06-20-2 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. 0-10. Building valuation data (BVD).**

Contractor/builder is to estimate the cost of commercial/industrial and apartment valuations as called for in section 0-8 and one-and two-family dwelling as called for in section 0-9, 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.

**Sec. 0-11. 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. 0-12. 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 City of Taylor.
- (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 percent.
- (c) Special or repeat inspection fee is \$ 100.00 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.

**Sec. 0-13 Waiver of fees.**

Projects being constructed to advance the general governmental interest of the community and that are undertaken in the interest of the health, safety and welfare of the general public shall be exempt from fees. Projects that are the result of an extreme natural event after which a disaster declaration is issued by the Federal Emergency Management Agency shall not be required to pay permitting fees for the first \$25,000.00 of value for any related repair project but shall be required to obtain a permit, submit plans and schedule inspections to monitor progress.

Permit fees for nonprofit agencies with 501c(3) certification may be waived by the Mayor subject to the following criteria:

- (1) An explanation from the requesting agency detailing how the project fills a community need, will revitalize a neighborhood, or contributes to fulfilling a goal in the city plan;
- (2) The project creates at least five permanent jobs; or
- (3) The value of the project is at least \$25,000.00.

**DIVISION 4. PENALTIES**

**Sec. 0-14. - 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 3. 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 3 of this Ordinance.

## **ARTICLE II. INTERNATIONAL CODES AND NFPA CODES ADOPTION AND AMENDMENTS**

### **DIVISION 1. ADOPTION**

#### **Sec. 0-14. 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 Taylor, Alabama, being marked and designated as the International Code Council (ICC) Codes, 2015 Edition (as published by the International Code Council, Inc., and copyrighted in 2014), and Codes published by the National Fire Protection Association (NFPA): National Electric Code, 2014 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 Taylor", 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:

2015 International Building Code (IBC) without Appendices

2014 National Electric Code (NEC)

2015 International Existing Building Code (IEBC)

2015 International Fuel Gas Code (IFGC).

2015 International Mechanical Code (IMC)

2015 International Plumbing Code (IPC)

2015 International Property Maintenance Code (IPMC)

2015 International Swimming Pool and Spa Code (ISPPSC)

2015 International Residential Code for One and Two Family Dwellings (IRC) including Appendices "A (IFGS)", "B (IFGS)", "C (IFGS)", "D (IFGS)", "E", "G", "H", "J (EB)", "M" and "N". Section R313 deleted.

2015 International Fire Code, Appendices "B through E", and Appendix "I"

2015 Standard for Residential Construction in High-Wind Regions (ICC 600-2014)

## **DIVISION 2. AMENDMENTS**

### **Sec. 0-15. Amendments to International Building Code (IBC).**

- (a) *Section 101.1* Insert: City of Taylor.

### **Sec. 0-16. Amendments to International Code Council Electrical Code.**

- (a) *Section 101.1* Insert: City of Taylor.

### **Sec. 0-16. - Amendments to International Existing Building Code.**

- (a) *Section 101.1* Insert: City of Taylor.
- (b) *404.2* Insert: *Fee Schedule as set forth elsewhere in this Ordinance*

### **Sec. 0-17. Amendments to International Fuel Gas Code (IFGC).**

- (a) *Section 101.1* Insert: City of Taylor.
- (b) *Section 106.6.2* Insert: Fee Schedule as set forth elsewhere in this chapter.
- (c) *Section 106.6.3* Insert: Fee Refunds as per Administrative Policy of the City of Taylor.
- (d) *Section 108.4 and Section 108.5* Insert: Violations & Penalties as per City of Taylor Code of Ordinances.

### **Sec. 0-18. Amendments to International Mechanical Code.**

- (a) *Section 101.1.* Insert: City of Taylor.
- (b) *Section 106.5.2* Insert: Fee Schedule as set forth elsewhere in this ordinance.
- (c) *Section 106.5.3* Insert: Fee Refunds as per Administrative Policy of the City Of Taylor.
- (d) *Section 108.4 and Section 108.5* Insert: Look for Violations and Penalties elsewhere in this chapter.

**Sec. 0-19. Amendments to International Plumbing Code.**

- (a) *Section 101.1.* Insert: City of Taylor.
- (b) *Section 106.6.2* Insert: Fee Schedule as set forth elsewhere in this ordinance.
- (c) *Section 106.6.3* 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.

**Sec. 0-20. Amendments to International Property Maintenance Code.**

- (a) *Section 101.1* Insert: City of Taylor.
- (b) *Section 103.5* Insert: Fee Schedule as set forth elsewhere in this ordinance.
- (d) *Section 302.4* Insert: (12 inches high covering 30% of the lot or 3000 square feet whichever 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. 0-21. 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.
  - iv. *Appendix D (IFGS).* Recommended procedure for safety inspection of an existing appliance installation.
  - v. *Appendix E.* Manufactured housing used as dwellings.
  - vi. *Appendix H.* Patio covers.
  - vii. *Appendix J (EB).* Existing buildings and structures.
  - viii. *Appendix M.* Home day care—R-3 occupancy.
  - ix. *Appendix N.* Venting methods.
- (b) *Section R101.1.* Insert: City Of Taylor.
- (c) *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 R313*: deleted

(g) *Section P2603.5.1* Insert: 12 inches.

### ARTICLE III. GENERAL BUILDING AND CONSTRUCTION REQUIREMENTS

#### DIVISION 1. ADMINISTRATION AND ENFORCEMENT

##### Sec. 0-22. 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 Ordinance No. 2007-11-06 Business License before doing any such work in the City of Taylor 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) Pay required fees.
  - (3) Apply for and obtain a permit.
  - (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 City of Taylor 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 as defined in Ordinance No. 2007-11-06 Business License.
  - (2) *Subcontractors, contractors and homeowners exercising owner's privilege*—\$2,000.00 (Contractor as defined in Ordinance No. 2007-11-06 Business License).
  - (3) *Homebuilding contractors*—\$10,000.00.
  - (4) *All others*—\$5,000.00.

**Sec. 0-23 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. 0-24. Revocation of license.**

City issued licenses requiring state issued certification/license are automatically suspended if state certification or license has lapsed, been suspended or been revoked. A license may be revoked under separate provisions in Ordinance No. 2007-11-06.

## **ARTICLE IV. ELECTRICAL WORK**

### **DIVISION 1. GENERAL**

**Sec. 0-25. 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. 0-26. 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 City Council.
- (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. 0-27. 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 within the city limits of Taylor until the city electrical inspector has inspected and approved the building, structure, equipment or apparatus for connection to the electrical current source.

**Sec. 0-28 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 appropriate city authority, by telephone or in writing, not less than 24 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. 0-29. Temporary services.**

- (a) 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. 0-30. 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.

**Sec. 0-31. 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 Ordinance No. 2007-11-06 Business License as applicable.

**ARTICLE V. LIQUEFIED PETROLEUM AND NATURAL GAS WORK**

**DIVISION 1. GENERALLY**

**Sec. 0-32. 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. 0-33. 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. 0-34. 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. 0-35. 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. 0-36. 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. 0-37. 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. 0-38. 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 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.

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

**DIVISION 1. HEATING AND AIR CONDITIONING AND COMMERCIAL REFRIGERATION CONTRACTORS' LICENSES**

**Sec. 0-39. 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. 0-40. 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.

## **ARTICLE VII. PLUMBING WORK**

### **DIVISION 1. PLUMBERS' LICENSES**

#### **Sec. 0-41. 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. 0-42. Payment of inspection and connection fees and charges for water.**

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.

## **ARTICLE IX. ABATEMENT OF STRUCTURES**

#### **Sec. 0-43. Legislative Findings.**

Pursuant to and under the authority contained in Code of Ala. 1975, § 11-53B-1 et seq., as a municipality of the state Alabama, the City of Taylor is authorized to proceed with the demolition or repair of a structure based on its own findings. A method is herein set out for collecting the assessment liens so imposed.

#### **Sec. 0-44. 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. 0-45. Definitions.**

- a) An "appropriate city official"(ACO) shall mean the Building Inspector as designated by the mayor or other person designated by the City Council as the person to exercise the authority and perform the duties delegated by this article.
- b) The term "assessment" as used in this chapter shall refer to the cost of repair or demolition.
- c) As used herein "permanent improvements" shall include, but not be limited to, all repairs, improvements, and equipment attached to the property as fixtures.

#### **Sec. 0-46. Public Nuisance Finding.**

Upon a finding of necessity by the governing body of any incorporated municipality, after giving notice as provided herein, the municipality may demolish or repair a building or structure or parts of buildings and structures, party walls, and foundations which have been determined by the Appropriate City Official (hereafter "ACO") and found by the governing body of the municipality to be unsafe to the extent of being a public nuisance from any cause. The cost of any action taken by the municipality shall be assessed against the property as provided in this article.

**Sec. 0-47. - Appropriate City Official.**

- d) An "appropriate city official" (ACO) shall mean the Manager of Building Inspection Services as designated by the mayor or other other person designated by the City Council as the person to exercise the authority and perform the duties delegated by this chapter. The term "assessment" as used in this chapter shall refer to the cost of repair or demolition. The ACO determines whether a building, structure, or part thereof, party wall, or foundation situated in the city is unsafe to the extent that it is a public nuisance.

**Sec. 0-48. Notice from appropriate city official; failure to comply.**

- a) Whenever the ACO shall find that any building, structure, part of building or structure, party wall, or foundation situated in the city is unsafe to the extent that it is a public nuisance, the official shall give the person or persons, firm, association, or corporation who is the record owner, notice to remedy the unsafe condition of the building or structure by certified mail to the owner's last known address and to the owner at the address of the property.
- b) Notices, orders, and other communications shall be given by certified mail to the owner, to the owner of an interest in the property, the person last assessed for property taxes, all mortgagees of record to the address in the mortgage, or if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the person responsible for the notice or other communication.
- c) The notice shall detail the basis for the ACO's determination and shall direct the owner to take either of the following actions:
1. In the case of repair, specified repairs or improvements shall be completed within 45 days of the date of the notice. If the repair cannot be completed within that time-frame, then a work plan shall be submitted within 45 days and be subject to the city's approval.
  2. In the case where demolition is required, the structure shall be demolished within 45 days of the notice.
    - a) The notice shall state that if the owner does not comply within the time specified therein, the repairs or demolition shall be accomplished by the municipality and the cost thereof assessed against the property.
    - b) Mailing of the notice, properly addressed and postage prepaid, shall constitute notice. Notice of the order, shall be also be posted within three days of the date of the mailing within three feet of the entrance to the building or structure.
    - c) If the owner fails to comply with the notice, the municipality may either:

- ii. Repair the structure and assess the expenses to the land on which the building stands or is attached.
- iii. Demolish the structure and assess the expenses against the land on which the building stands or is attached.

**Sec. 0-49. Hearing; appeal.**

Within 30 days from the date the notice is given, any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing before the governing body of the city, together with that person's objections to the finding by the ACO that the building or structure is unsafe to the extent of becoming a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the ACO until determination thereon is made by the governing body.

- a) Upon holding the hearing, which shall be held not less than five nor more than 30 days after the request, or in the event no hearing is timely requested, after the expiration of 30 days from the date the notice is given, the governing body of the municipality shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance.
- b) In the event that it is determined by the governing body that the building or structure is unsafe to the extent that it is a public nuisance, the governing body shall order the building or structure to be repaired or demolished, as the case may be. The repairs or demolition may be accomplished by the municipality by contract for the repairs or demolition. The municipality shall have authority to sell or otherwise dispose of salvaged materials resulting from any demolition hereunder.
- c) Any person aggrieved by the decision of the governing body at the hearing may, **within 10 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 to be approved by the circuit clerk.** Upon filing of the notice of appeal and approval of the bond, the clerk of the court shall serve a copy of the notice of appeal on the clerk of the city and the appeal shall be docketed in the court, and shall be a preferred case therein.
- d) The clerk of the city shall, upon receiving the notice, file with the clerk of the court a copy of the findings and determination of the governing body in proceedings and trials shall be held without jury upon the determination of the governing body that the building or structure is unsafe to the extent that it is a public nuisance.

**Sec. 0-50. Fixing and Assessment of Costs**

- (a) Upon demolition or repair of the building or structure, the ACO shall make a report to the governing body of the cost thereof, and the governing body shall adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition or repair and assessing the same against the property; provided, however, the proceeds of any moneys received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition; and provided further, that any person, firm, or corporation having an interest in the property may be heard at the meeting as to any objection he or she may have to the fixing of such costs or the amounts thereof.
- (b) The clerk of the municipality shall give notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the tax assessor's records on the property or as otherwise known to the

clerk. The fixing of the costs by the governing body shall constitute an assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and as made and confirmed shall constitute a lien on the property for the amount of the assessment ("the final assessment"). The lien shall be superior to all other liens on the property except liens for taxes, and except for mortgages recorded prior to the creation of the lien for the assessment, and shall continue in force until paid. A certified copy of the resolution fixing the final assessment shall also be recorded in the office of the judge of probate of the county in which the municipality is situated.

- (c) The municipality shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes, and where such an assessment is made against the lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate or discharge, or in any manner affect the lien of the city for the assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale by the state for the nonpayment of taxes, shall take the same subject to the assessment.

**Sec. 0-51. Payment of costs; failure to make payment.**

- (a) The municipality, in ordering any repair or demolition the cost of which or any part thereof is to be assessed against any property in accordance with this chapter, may provide that the same shall be paid in cash within 30 days after the final assessment; provided, however, that if the assessed amount is greater than ten thousand dollars (\$10,000), the property owner may, at his or her election, to be expressed by notifying the municipal official charged with the duty of collecting the assessments in writing within 30 days after the final assessment is determined, pay the final assessment in 10 equal annual installments, which shall bear interest at a rate not exceeding 12 percent per annum. Interest shall begin to accrue upon the expiration of 30 days from the date on which the final assessment is set by the governing body and the interest shall be due and payable at the time and place the assessment is due and payable.
- (b) Any person who elects to make installment payments may pay the outstanding balance of the final assessment together with all accrued interest thereon at any time during the installment payment schedule. The first installment shall be payable within 30 days after the final assessment is determined, and all installments thereof shall be payable at the office of the clerk, finance office, or treasurer of the city or town as may be prescribed. Upon full payment of the final assessments and accrued interest thereon, the municipality shall record a satisfaction of the lien in the office of the judge of probate of the county in which the municipality is located
- (c) If the property owner fails to pay the assessment lien within 30 days, or having elected to make installment payments, fails to make any installment payment when due, the whole assessment lien shall immediately become due and payable, and the officer designated by the municipality to collect the assessment lien shall proceed to sell the property against which the assessment lien is made to the highest bidder for cash, but in no event less than the amount of the lien plus interest through the date of default. Prior to the sale, notice shall be given by publication once a week for three consecutive weeks in a newspaper published in the municipality or of general circulation therein, setting forth the date and time of the sale and the purpose for which the same is made, together with a description of the property to be sold. If the officer shall fail to advertise and sell any property on which the payments are past due, any taxpayer of the issuing municipality shall have the right to



apply for a writ of mandamus requiring the official to take such action to any court of competent jurisdiction, and the court shall, on proof, issue and enforce the writ.

**Sec. 0-52. Sale of property upon default.**

- (a) Any property owner, notwithstanding his or her default, may pay the assessment lien with interest and all costs if tendered before a sale of the property.
- (b) The cost of any notice and sale resulting from a default on paying an assessment shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale.
- (c) The officer making the sale shall execute a deed to the purchaser, which shall convey all the rights, title, and interest which the party against whose property the assessment was made had or held in the property at the date of making the assessment or on the date of making the sale. Any surplus arising from the sale shall be paid to the city or municipal treasurer to be kept as a separate fund by the treasurer for the owner upon the responsibility of his or her official bond. The municipality may, by its agents, purchase real estate sold as provided under this chapter and, in the event of the purchase, the deed for the same shall be made to the municipality.
- (d) No mistake in the notice of sale in the description of the property or in the name of the owner shall vitiate the assessment or the lien and if for any reason, the sale made by the municipality is ineffectual to pass title, it shall operate as an assignment of the lien, and, upon the request of the purchaser, supplementary proceedings of the same general character as required in this chapter may be had to correct the errors in the proceedings for his or her benefit or the lien so assigned to him or her may be enforced by civil action.

**Sec. 0-53 Redemption of property.**

- (a) Any real property heretofore or hereafter sold for the satisfaction of an assessment lien imposed thereon by the governing body of a municipality may be redeemed by the former owner, or his or her assigns, or other persons authorized to redeem property sold for taxes by the state, within two years from the date of the sale by depositing with the officer designated by the municipality to collect the assessments the amount of money for which the lands were sold, with interest thereon at the rate of 12 percent per annum from the date of the sale through the date of the payment.
- (b) In addition to any other requirements set forth in this section, the proposed redemptioner must pay or tender the purchaser or his transferee all insurance premiums paid or owed by the purchaser with accrued interest on the payments computed from the date the premiums were paid at 12 percent per annum through the date of payment.
- (c) In addition to any other requirements set forth in this section, the proposed redemptioner must pay or tender to the purchaser or his transferee the value of all permanent improvements made on the property determined in accordance with this section. The proposed redemptioner shall make written demand upon the purchaser of a statement of the value of all permanent improvements made on the property since the assessment sale. In response to written demand made pursuant to this section, the purchaser shall within 10 days from the receipt of the demand, furnish the proposed redemptioner with the amount claimed as the value of the permanent improvements, and within 10 days after receipt of the response, the proposed redemptioner either shall accept the value so stated by the purchaser, or disagreeing therewith, shall appoint a referee to ascertain the value of the permanent improvements. The proposed redemptioner shall in writing (i) notify the purchaser of his or her disagreement as to the value; and (ii) inform the purchaser of the name of the referee appointed by him or her. Within 10 days after the receipt of the notice, the purchaser

shall appoint a referee to ascertain the value of the permanent improvements and advise the proposed redemptioner of the name of the appointee. The two referees shall, within 10 days after the purchaser has appointed his or her referee, meet and confer upon the award to be made by them. If they cannot agree, the referees shall at once appoint an umpire, and the award by a majority of the body shall be made within 10 days after the appointment of the umpire and shall be final between the parties.

- (d) If the proposed redemptioner fails or refuses to nominate a referee as provided in subsection (c), he or she shall pay the value put upon the improvements by the purchaser. If the purchaser refuses or fails to appoint a referee, as provided in subsection (c), the purchaser shall forfeit his or her claim to compensation for the improvements. The failure of the referees or either of them to act or to appoint an umpire shall not operate to impair or forfeit the right of either the proposed redemptioner or the purchaser in the premises. In the event of failure without fault of the parties to affect an award, the appropriate court shall proceed to ascertain the true value of the permanent improvements and enforce the redemption accordingly.
- (e) In addition to all other payments provided hereunder, the proposed redemptioner shall also pay interest to the purchaser on the value of all permanent improvements computed from the date the improvements were made at the rate of 12 percent per annum through the date of the payment.
- (f) The fixed two-year period of redemption as provided herein for the redemption of any property heretofore or hereafter sold for the satisfaction of any assessment lien may be extended to a date 60 days after the date of the certificate of warning to redeem as provided below, but in no event for a longer period than six years from the date of such sale.

#### **Sec. 0-54. Certificate of Warning to Redeem**

- (a) At any time after an assessment sale deed has been recorded in the office of the judge of probate of the county in which the property therein described lies and after expiration of the fixed two-year period of redemption as provided for in this section, any person may apply to the judge of probate for the certificate of warning to redeem, which references the recorded volume and page number of the deed to be recorded in the real estate records, in substantially the following form: "I hereby certify that on or prior to the date of this certificate, I mailed a certified copy of the deed here recorded, together with notice that the same is here recorded, and a warning to redeem to each of the one or more persons other than the grantee in said deed, to whom the property therein described was last finally assessed for ad valorem taxation at the address of each such person as shown by said ad valorem tax assessment records. This \_\_\_ day of \_\_\_, 2\_\_\_, Judge of Probate, \_\_\_ County, Alabama."
- (b) At the time of application for entry of the certificate of warning to redeem, the applicant shall deliver to the judge of probate three certified copies of the recorded deed and shall pay to the judge of probate a fee of one dollar (\$1). Copies of the deed need not include any certificate of acknowledgment. The applicant shall also deliver to the judge of probate a certified copy of the ad valorem tax assessment records of the county containing the name of the person or persons other than the grantee in the deed to whom the property described in the deed was last finally assessed for ad valorem taxation, together with the address of each person as shown by the tax assessment records, or an affidavit that there is no one else. The judge of probate shall promptly mail to each person at such address one of the aforesaid certified copies of the deed, together with an attached warning to redeem in substantially the following form: "Take notice that there is recorded in my office in Deed Book \_\_\_ at page \_\_\_ a deed of which the attached is a correct copy. You are warned that unless you, or those claiming under you, take prompt steps to redeem from those claiming

under the deed, all rights of redemption may be lost. This \_\_\_ day of \_\_\_, 2\_\_\_, Judge of Probate, \_\_\_ County, Alabama."

- (c) Promptly upon or after mailing the notice or notices and certified copy or copies of the deed, it shall be the duty of the judge of probate to record in the real estate records the signed and dated certificate of warning substantially as prescribed above. At the expiration of 60 days after the date of the certificate, all rights to redeem from the sale shown by the deed shall cease and desist
- (d) Redemption may be effected after expiration of the fixed two-year period of redemption allowed or provided by Sec. 14-118 and before the extended period of redemption has expired in the same manner and at the same redemption price as provided in Sec. 14-118 above; provided, that if the judge of probate has made the certificate of warning to redeem as provided in Sec. 14-119, said redemption price shall be increased by one dollar (\$1).

**Sec. 0-55. Emergency action.**

Notwithstanding any other provisions of this article, a municipality shall have authority to enact, and may by ordinance authorize, the ACO to initiate immediate repair or demolition of a building structure when, in the opinion of the official so designated, such emergency action is required due to imminent danger of structural collapse endangering adjoining property, the public right of way, or human life or health. The cost of the emergency action shall be fixed by the municipal governing body and shall be assessed as provided in this ordinance.

**ARTICLE X. CONTRACTORS**

**DIVISION 1. GENERAL CONTRACTORS AND CONTRACTORS**

**Sec. 0-56. License required.**

Before engaging in the business of or doing any general contracting or contracting work for others in the city, each person shall apply for and receive a license, the amount of which shall be fixed by the city.

**DIVISION 2. HOMEBUILDING CONTRACTORS**

**Sec. 0-57. 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.

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**Section 2. Catchlines of Sections and Other Headings; Notes and References.**

The catchlines of the several sections, subsections, divisions, (articles and chapters) of this Ordinance printed in bold or italic type are intended as mere, catchwords to indicate the contents of the sections, subsections, divisions, (articles and chapters) and shall not be deemed or taken to be the title of any section, subsection, division, (article and chapter) nor, unless expressly so provided, shall they be so deemed when any such section, subsection, division, (article or chapter), including the catchline, is amended or reenacted.

**Section 3. General Penalty: Continuing Violations.**

Wherever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor or whenever in this ordinance the doing of any act required or the failure to do any act is declared to be unlawful and no specific penalty is provided, the violation of any such provision of this ordinance or any such ordinance shall be punished by a fine of not less than \$1.00 nor more than \$500.00 or by imprisonment in the jail or at hard labor for a period of not exceeding six months or by both such fine and imprisonment, at the discretion of the Judge trying the case. Each day any violation of this ordinance or such ordinance shall continue shall constitute a separate offense.

**Section 4. Severability**

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 Taylor 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 5. Effect of Repeal of Ordinance.**

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 of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; no shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 6.** That the Manager of Inspection Services, being the Building Inspector (s) for the City of Taylor, is hereby named the Appropriate City Official (ACO) for the purposes authorized by this ordinance.

**Section 7.** That the City Clerk of the City of Taylor is hereby ordered and directed to cause this ordinance to be published.

**Section 8.** 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 \_\_\_\_\_ from and after the date of its final passage and adoption.

PASSED, ADOPTED AND APPROVED on March 2, 2020

Brian M. Sledge  
Mayor

Sharon [Signature]  
Council Member

[Signature]  
Council Member

[Signature]  
Council Member

[Signature]  
Council Member

[Signature]  
Council Member

ATTEST:

Shueisa Adams  
City Clerk