

## Chapter 5

### BUILDINGS AND BUILDING REGULATIONS\*

---

\* **Cross References:** Site drainage plans required, § 7-4; construction standards for flood prevention, §§ 7-3, 7-18 et seq.; fire prevention and protection, Ch. 9; sign permit, § 13-7; planning and development, Ch. 17; house numbering and street names, § 17-36 et seq.; construction of sewers, § 19-13 et seq.; collection of building debris, § 20-29; street construction, § 21-16 et seq., sidewalk construction, repair, etc., § 21-66 et seq.

**State Law References:** Municipal authority to regulate buildings, Code of Ala., § 11-43-59.

---

Art. I. In General, §§ 5-1--5-17

Art. II. Board of Adjustments and Appeals, §§ 5-18--5-41

Art. III. Building and Related Codes, §§ 5-42--5-61

Art. IV. Electricity, §§ 5-62--5-136

Div. 1. Generally, §§ 5-62--5-78

Div. 2. Administration and Enforcement, §§ 5-79--5-95

Div. 3. Electricians, §§ 5-96--5-136

Subdiv. I. General Provisions, §§ 5-96--5-112

Subdiv. II. Examination and Certification, §§ 5-113--5-136

Art. V. Fire Prevention Standards, §§ 5-137--5-172

Div. 1. Generally, §§ 5-137--5-149

Div. 2. Fire Prevention Code, §§ 5-150--5-172

Art. VI. Housing Code, §§ 5-173--5-192

Art. VII. Mechanical Code, §§ 5-193--5-212

Art. VIII. Plumbing and Gas, §§ 5-213--5-284

Div. 1. Generally, §§ 5-213--5-225

Div. 2. Plumbing Standards, §§ 5-226--5-243

Div. 3. Gas Standards, §§ 5-244--5-259

Div. 4. Plumbers and Gas Installers, §§ 5-260--5-284

Subdiv. I. General Provisions, §§ 5-260--5-276

**ARTICLE I.**  
**IN GENERAL**

**Sec. 5-1. Furnishing utilities to premises where no permit for structure.**

It shall hereafter be unlawful for any utility corporation holding a franchise for the distribution of natural gas, water, or electric power within the corporate limits of the city, or for any agent, officer or employee of any such utility corporation, to furnish any natural gas, water, or electric power to any unimproved tract of real property in the city for use by the owner of such tract in or about any structure to be erected or being erected on such tract unless and until the building inspector shall have certified on such utility corporation that the owner of the tract has secured from the city a permit for the erection of such structure or improvements. However, this section shall not apply in instances in which no building permit is required for the erection of the improvements. Further, this section shall not apply in instances in which a meter or meters has already been set on such tract of real property and such utility services furnished or provided for by contract with the owner.

(Code 1956, § 16A-1)

**Cross References:** Franchises listed, App. A.

**Sec. 5-2. Working times in single-family, commercial and multifamily districts.**

(a) No construction work, including any site preparation work, any assembly, erection, demolition, alteration, repair or similar activity, or the operation of any construction equipment which is attended by noise shall begin before 7:00 a.m. on any construction project in a single-family neighborhood or in any commercial or multifamily district that is adjacent to a single-family neighborhood. No construction work as described above shall begin before 6:00 a.m. on any construction project in commercial or multifamily districts not adjacent to single-family subdivisions. No construction work as described above shall continue after 7:00 p.m. on any construction project.

(b) Work on construction projects that is not attended by noise and which does not, disturb, annoy, injure or endanger the comfort, repose, health, peace or safety of reasonable persons of ordinary sensibilities may be performed at any time. Examples of such work include painting, cleaning and similar activities.

(c) This section shall not apply to the normal operation of domestic power tools by home occupants.

(d) This section shall not apply to emergency work by public service utilities and government entities.

(e) This section shall not apply to construction work on public projects including, but not limited to, the excavation and repair of streets and highways authorized by the city manager.

(f) In the case of urgent necessity, the city manager may permit construction work and the operation of construction equipment to continue between the hours of 7:00 p.m. and 7:00 a.m. Such permit may be granted upon application being made for a period not to exceed five (5) days and may be renewed for periods up to five (5) days.

(g) Any person in violation of this section of the City of Auburn Code will be subject to penalties as set forth in section 1-9 of that Code.

(Ord. No. 1367, § 4, 10-2-90; Ord. No. 1548, § 4, 10-4-94; Ord. No. 1703, § 1, 6-3-97; Ord. No. 2526, § 1, 12-4-07)

**Editors Note:** Ord. No. 1367, §§ 4--6, adopted Oct. 2, 1990, amended the Code by adding provisions designated as §§ 5-48--5-50, which provisions have been redesignated by the editor as §§ 5-2--5-4 for purposes of classification.

### **Sec. 5-3. License and bond for general contractors.**

Every person engaged as a general contractor in the business of construction in the city shall apply for and shall be issued a license upon the applicant's paying the license fee and furnishing a bond in the sum of five thousand dollars (\$5,000.00).

(Ord. No. 1367, § 5, 10-2-90)

**Note:** See editor's note following § 5-2.

### **Sec. 5-4. Certificate of occupancy.**

The building official shall issue a certificate of occupancy at the completion of the work for which a building permit has been issued if, after inspection, it is found that such work complies with the provisions of this chapter. A certificate may be withheld pending completion of related areas of work (plumbing, mechanical, electrical, gas) at the same location. A conditional certificate of occupancy may be issued when non-life or health threatening items need to be completed. This conditional certificate of occupancy will state items to be completed, time given to complete such items, and penalties for failure to meet all conditions.

(Ord. No. 1367, § 6, 10-2-90)

**Note:** See editor's note following § 5-2.

### **Secs. 5-5--5-17. Reserved.**

## **ARTICLE II.**

### **BOARD OF ADJUSTMENTS AND APPEALS**

### **Sec. 5-18. Established; publications to be interpreted by the board.**

There is hereby created and established a board to be called the building board of adjustments and appeals which board shall hear appeals from interpretations of the building official interpreting the following codes: International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Existing Building Code, International Fire Code, International Property Maintenance Code, Standard Unsafe Building Abatement Code and the National Electrical Code.

(Ord. No. 1097, § 1, 9-21-82; Ord. No. 1375, § 1, 10-2-90; Ord. No. 2165, § 1, 10-21-03; Ord. No. 2206, § 1, 3-16-04)

### **Sec. 5-19. Membership.**

The board of adjustments and appeals shall consist of five (5) members to be composed of the

following: Two (2) architects, two (2) engineers from different areas of specialization and a general contractor. The initial terms of office for board members shall be as follows: Architect, place 1 for a term of three (3) years; architect, place 2 for a term of one year; engineer, place 1 for a term of two (2) years; engineer, place 2 for a term of one year; general contractor for a term of two (2) years. After the expiration of the first term of staggered appointments, board members shall be appointed to a term of four (4) years. Vacancies shall be filled for an unexpired term by the governing body. Continued absence of any member from regular meetings of the board shall, at the discretion of the governing body, render any such member subject to immediate removal from office.

(Ord. No. 1097, §§ 2, 3, 9-21-82)

#### **Sec. 5-20. Rules of procedure; meetings.**

The board of adjustments and appeals shall establish rules and regulations for its own procedure not inconsistent with the provisions of this article. The board shall meet at regular intervals to be determined by the chairman or, in any event, the board shall meet within ten (10) days after notice of appeal has been received by the secretary of the board.

(Ord. No. 1097, § 6, 9-21-82)

#### **Sec. 5-21. Quorum; voting.**

A quorum of the board of adjustments and appeals shall consist of three (3) members. Varying the application of any provisions of the codes in its jurisdiction or modifying an opinion or order of the building official shall require the affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. A board member shall not act in a case in which he has a personal or financial interest.

(Ord. No. 1097, § 4, 9-21-82)

#### **Sec. 5-22. Records.**

The building official shall act as secretary of the board of adjustments and appeals and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(Ord. No. 1097, § 5, 9-21-82)

#### **Sec. 5-23. When appeals may be filed.**

(a) Whenever the building official shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of the codes in its jurisdiction do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the codes or of any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the building official to the board of adjustments and appeals. Notice of appeal shall be in writing and filed within ninety (90) days after the decision is rendered by the building official. A fee of ten dollars (\$10.00) shall accompany such notice of appeal.

(b) In case of a building or structure which in the opinion of the building official is unsafe or

dangerous, the building official may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the building official.  
(Ord. No. 1097, § 7, 9-21-82)

**Sec. 5-24. Variations and modifications.**

(a) The board of adjustments and appeals of the city when appealed to or after a hearing may vary the application of any provision of the codes in its jurisdiction to any particular case when, in its opinion, the enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of the codes or the public interest, or when in its opinion the interpretation of the building official should be modified or reversed.

(b) A decision of the board of adjustments and appeals to vary the application of any provision of the codes or to modify an order of the building official shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.  
(Ord. No. 1097, § 8, 9-21-82)

**Sec. 5-25. Final decisions.**

(a) Every decision of the board of adjustments and appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law. Every decision shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the building official and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two (2) weeks after filing.

(b) The board shall, in every case, reach a decision without unreasonable or unnecessary delay.

(c) 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 the codes in its jurisdiction, the building official shall immediately take action in accordance with such decision.  
(Ord. No. 1097, § 9, 9-21-82)

**Secs. 5-26--5-41. Reserved.**

**ARTICLE III.**

**BUILDING AND RELATED CODES\***

---

\* **Cross References:** Assignment of building number prerequisite to issuance of building permit, § 17-46.

---

**Sec. 5-42. Adoption of the International Building Code.**

The International Building Code, 2009 Edition, recommended by the International Code Council, but deleting Section 103, Section 113, Section 116, Chapter 13, Section 1612, and section 3412, and those portions which are deleted, modified or amended in this article, is hereby adopted and enacted as part of the law of the

city and the same shall be known as the International Building Code of the city and may be cited as such. (Ord. No. 1090, § 1, 9-7-82; Ord. No. 1367, § 1, 10-2-90; Ord. No. 1548, § 1, 10-4-94; Ord. No. 1751, § 1, 3-17-98; Ord. No. 2164, § 1, 10-21-03; Ord. No. 2500, § 1, 8-7-07; Ord. No. 2646, § 1, 1-19-10)

**State Law References:** Adoption by reference, Code of Ala., § 11-45-8.

**Sec. 5-43. Amendments.**

The International Building Code adopted in this article is amended and changed in the following respects:

*Section 109.2, Schedule of Permit Fees*, is amended to include the following fee schedule:

The following permit fees shall be charged:

(a) *Permit fees:*

Total Valuation	Schedule
Less than \$100.00	No fee unless inspection required, in which case a \$7.00 fee for each inspection shall be charged.
\$100.00 up to and including \$50,000.00	\$7.00 per thousand or fraction thereof.
Over \$50,000.00 up to and including \$100,000.00	\$350.00 for the first \$50,000.00 plus \$5.00 for each additional thousand or fraction thereof.
Over \$100,000.00 up to and including \$1,000,000.00	\$600.00 for the first \$100,000.00 plus \$4.00 for each additional thousand or fraction thereof.
Over \$1,000,000.00	\$4200.00 for the first \$1,000,000.00 plus \$3.00 for each additional thousand or fraction thereof.

(b) *Moving of building or structures:* For the moving of any building or structure, the fee shall be one hundred fifty dollars (\$150.00).

(c) *Demolition of building or structures:* For the demolition of any building or structure, the fee shall be one hundred dollars (\$100.00).

(d) *Failure to obtain permit:* Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees herein shall be doubled, but the

payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

(e) *Re-inspection fees:* A contractor will be allowed one inspection and one re-inspection of the same phase of work under the permit issued. The third inspection shall be twenty-five dollars (\$25.00). All additional inspections shall be one hundred dollars (\$100.00). If an inspection is requested and the building is locked then a re-inspection fee will be charged for the trip.

*Table 1004.1.1 Maximum floor area allowances per occupant, table section-assembly without fixed seats:*

Concentrated (chairs only-not fixed)	7 net
Standing space	7 net
Unconcentrated (tables and chairs)	15 net

*Section 1013.1 Where required.* Guards shall be located along open-sided walking surfaces, mezzanines, industrial equipment platforms, stairways, ramps and landings that are located more than 30 inches above the floor or grade below. Guards shall also be located on retaining walls which are more than 30 inches above the lower grade and have a constructed walking surface within 5 feet horizontally of the wall surface on either side, and all retaining walls over 6 feet in height shall have a guard. Guards shall be adequate in strength and attachment in accordance with section 1607.7. Where glass is used to provide a guard or as a portion of a guard system, the guard shall also comply with section 2407. Guards shall also be located along glazed sides of stairways, ramps and landings that are located more than 30 inches above the floor or grade below where the glazing provided does not meet the strength and attachment requirements in section 1607.7.

Exception: Guards are not required for the following locations:

1. On the loading side of loading docks or piers.
2. On the audience side of stages and raised platforms including steps leading to the stage and raised platforms.
3. On raised stage and platform floor areas, such as runways, ramps, and side stages used for entertainment or presentations.
4. At vertical openings in the performance area of stages and platforms.
5. At elevated walking surfaces appurtenant to stages and platforms for access to and utilization of special lighting or equipment.
6. Along vehicle service pits not accessible to the public.
7. In assembly seating where guards in accordance with Section 1028.14 are permitted and provided.

*Section 2701.1 Scope.* This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment, and systems shall be designed and constructed in accordance with the provisions of the currently adopted edition of NFPA 70.

*Section 3408.1 Conformance.* No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, or any change in the purpose or level of activity within a building that involves a change in application of the requirements of this code, unless such building is made to comply with the requirements of this code for such division or group of occupancies or the new purpose or level of activity. Subject to the approval of the Building Official, the use or occupancy of existing buildings shall be permitted to be changed and the building allowed to be occupied for the purposes in other groups without conforming to all the requirements of this Code for those groups, provided the new or proposed use and level of activity is less hazardous, based on life and fire risk, than the existing use.

(Ord. No. 1090, § 2, 9-7-82; Ord. No. 1122, § 1, 5-3-83; Ord. No. 1367, § 2, 10-2-90; Ord. No. 1548, § 2, 10-4-94; Ord. No. 1751, § 2, 3-17-98; Ord. No. 2164, § 2, 10-21-03; Ord. No. 2500, § 2, 8-7-07; Ord. No. 2646, § 2, 1-19-10)

#### **Sec. 5-44. Same--Omission of sign and certain administrative provisions.**

Notwithstanding anything contained herein to the contrary, Section 103, Section 112, Section 115, and Section 1612 of the International Building Code are not adopted by the city and are hereby deleted.

(Ord. No. 1090, § 2, 9-7-82; Ord. No. 1367, § 3, 10-2-90; Ord. No. 1548, § 3, 10-4-94; Ord. No. 2164, § 3, 10-21-03)

#### **Sec. 5-45. Same--Penalties.**

Any person who shall violate any of the provisions of the International Building Code adopted in this article or who fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder or any certificate or permit issued hereunder and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the governing body or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor and upon conviction thereof shall be punished as prescribed in section 1-9 of this Code. The imposition of one penalty for violation shall not excuse the violation or permit it to continue. The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 1090, § 4, 9-7-82; Ord. No. 2164, § 4, 10-21-03)

#### **Sec. 5-46. International Residential Code.**

(a) *Adoption.* The International Residential Code, 2006, including Appendix G, recommended by the International Code Council Inc, but deleting Section R103, R112, R301.2.4 and R324 and those portions which are deleted, modified or amended in this article, is hereby adopted and enacted as part of the law of the city and the same shall be known as the International Residential Code of the city and may be cited as such.



(b) *Amendments.* The International Residential Code adopted in this article is amended and changed in the following respects:

*Section R311.5.6, Handrails.* Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.

Exceptions:

1. Where the vertical rise of the stair is less than 30" a handrail is not required provided the maximum riser height is 7" and the minimum tread depth is 11".

*Section R312.1 Guards.* Porches, balconies, ramps or raised floor surfaces located more than 30 inches above the floor or grade below shall have guards not less than 36 inches in height. Retaining walls which are more than 30 inches in height and have a constructed walking surface on the upper or lower side within 5 feet horizontally from the wall shall have guards not less than 36 inches in height above the upper grade. All retaining walls over 6 feet in height shall have a guard not less than 36 inches above the upper grade. Open sides of stairs with a total rise of more than 30 inches shall have guards not less than 34 inches in height measured vertically from the nosing of the treads.

Porches and decks which are enclosed with insect screening shall be equipped with guards where the walking surface is located more than 30 inches above the floor or grade below.

*Section 108.2, Schedule of permit fees,* is amended to include the following fee schedule:

The following permit fees shall be charged:

(a) Permit fees

Total Valuation	Schedule
Less than \$100.00	No fee unless inspection required, in which case a \$7.00 fee for each inspection shall be charged.
\$100.00 up to and including \$50,000.00	\$7.00 per thousand or fraction thereof.
Over \$50,000.00 up to and including \$100,000.00	\$350.00 for the first \$50,000.00 plus \$5.00 for each additional thousand or fraction thereof.
Over \$100,000.00 up to and including \$1,000,000.00	\$600.00 for the first \$100,000.00 plus \$4.00 for each additional thousand or fraction thereof.

Over \$1,000,000.00	\$4,200.00 for the first \$1,000,000.00 plus \$3.00 for each additional thousand or fraction thereof.
---------------------	---

(b) Moving of building or structures: For the moving of any building or structure, the fee shall be one hundred fifty dollars (\$150.00).

(c) Demolition of building or structures: For the demolition of any building or structure, the fee shall be one hundred dollars (\$100.00).

(d) Failure to obtain permit: Where work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fees herein shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

(e) Re-inspection fees: A contractor will be allowed one (1) inspection and one (1) re-inspection of the same phase of work under the permit issued. The Third (3rd) inspection shall be Twenty-Five Dollars (\$25). All additional inspections shall be One Hundred Dollars (\$100). If an inspection is requested and the building is locked then a re-inspection fee will be charged for the trip.

(Ord. No. 835, § 1, 3-5-74; Ord. No. 1371, § 1, 10-2-90; Ord. No. 1630, § 1, 4-16-96; Ord. No. 1821, § 1, 3-16-99; Ord. No. 2164, §§ 5, 6, 10-21-03; Ord. No. 2500, § 4, 8-7-07)

**State Law References:** Adoption by reference, Code of Ala., § 11-45-8.

**Sec. 5-46.1. Same--Omission of certain administrative provisions.**

Notwithstanding anything contained herein to the contrary, Section R103, Section R301.24, Section R112, Section R324, of the International Residential Code are not adopted by the city and are hereby deleted. (Ord. No. 1630, § 2, 4-16-96; Ord. No. 1821, § 2, 3-16-99; Ord. No. 2164, § 7, 10-21-03; Ord. No. 2500, § 5, 8-7-07)

**Editors Note:** Ord. No. 1630, § 2, adopted Apr. 16, 1996, did not specify manner of codification; hence, provisions deleting a section from the one- and two-family dwelling code have been designated by the editor as § 5-46.1.

**Sec. 5-46.2. Same--Penalties.**

Any person who shall violate any of the provisions of the International Residential Code adopted in this article or who fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder or any certificate or permit issued hereunder and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the governing body or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor and upon conviction thereof shall be punished as prescribed in section 1-9 of this Code. The imposition of one penalty for violation shall not excuse the violation or permit it to continue. The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 2164, § 8, 10-21-03)

**Sec. 5-47. Standard Unsafe Building Abatement Code--Adoption, penalties.**

(a) *Adoption.* The Standard Unsafe Building Abatement Code, 1985 Edition, recommended by the Southern Building Code Congress International, Inc., except for Section 105, is hereby adopted and enacted as part of the law of the city and the same shall be known as the standard unsafe building abatement code of the city and may be cited as such.

(b) *Penalties.* Any person who shall violate any of the provisions of the code herein adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such order as affirmed or modified by the city council or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor and shall, upon conviction thereof, be punished as prescribed in section 1-9. The imposition of one penalty for violation shall not excuse the violation or permit it to continue. The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 116, §§ 1, 2, 7-17-84; Ord. No. 1372, § 1, 10-2-90)

**Editors Note:** Nonamendatory Ord. No. 1161, adopted July 17, 1984, has been codified as § 5-47 at the editor's discretion.

**Sec. 5-48. Same--Omission of certain administrative provisions.**

Notwithstanding anything contained herein to the contrary, Section 105 of the Standard Unsafe Building Abatement Code is not adopted by the city and is hereby deleted.

(Ord. No. 1372, § 2, 10-2-90)

**Sec. 5-48.1. Same--Amendments.**

[The following additions, amendments and/or deletions shall apply to the Standard Unsafe Building Abatement Code adopted in section 5-47.]

*Section 302.1.1, subparagraph 3.1* is amended to read as follows:

If the building or structure is to be repaired, the notice shall require that all necessary permits to be secured and the work commenced within sixty (60) days and continue until completion within such time as the building official determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the Standard Building Code, in accordance with 101.4.

*Section 302.1.1, subparagraph 3.3* is amended to read as follows:

If the building or structure is to be demolished, the notice shall require that the premises be vacated within thirty (30) days, that all required permits for demolishing be secured and that the demolishing be completed within such time as determined reasonable by the building official.

*Section 302.1.1, subparagraph 3.4* is amended to read as follows:

Included within the notice set forth above, shall be a notice of a hearing within thirty (30) days of the notice if the building official has received no response from the owner of the building or if the building official has been unable to locate the names and addresses of all owners. Notice of the hearing shall further be published one time in a newspaper published within the City of Auburn, with said publication to appear no later than thirty (30) days prior to the date of the hearing. Said notice shall be substantially in the form as set forth in paragraph 501.4.1.

*Section 506, Recording of Lien* is amended to read as follows:

If the board determines that the structure is unsafe and should be razed, then after the appeal period of fifteen (15) days has expired, the city shall file a lien on the real property in the proper recording office in Lee County, Alabama, claiming a lien on said real property in the amount estimated to be the cost of razing the structure.

(Ord. No. 1687, §§ 1--4, 3-18-97)

**Sec. 5-49. Reserved.**

**Editors Note:** Ord. No. 2646, § 12, adopted Jan. 19, 2010, deleted § 5-49, which pertained to adoption of the International Existing Building Code and derived from Ord. No. 1373, § 1, adopted Oct. 2, 1990; Ord. No. 2205, § 1, adopted March 16, 2004 and Ord. No. 2500, § 15, adopted Aug. 7, 2007.

**Sec. 5-49.1. Reserved.**

**Editors Note:** Ord. No. 2646, § 13, adopted Jan. 19, 2010, deleted § 5-49.1, which pertained to adoption of the International Existing Building Code amendments and derived from Ord. No. 2205, § 2, adopted March 16, 2004 and Ord. No. 2500, § 16, adopted Aug. 7, 2007.

**Sec. 5-50. Reserved.**

**Editors Note:** Ord. No. 2646, § 14, adopted Jan. 19, 2010, deleted § 5-50, which pertained to adoption of the International Existing Building Code and omission of certain administrative provisions and derived from Ord. No. 1373, § 2, adopted Oct. 2, 1990; Ord. No. 2205, § 3, adopted March 16, 2004 and Ord. No. 2500, § 17, adopted Aug. 7, 2007.

**Sec. 5-51. Reserved.**

**Editors Note:** It was determined by the building official and the assistant city manager that § 5-51 was inadvertently left out of Ord. No. 2646 for deletion. Ord. No. 2646, § 14, adopted Jan. 19, 2010 pertained to penalties of the International Existing Building Code and derived from Ord. No. 1373, § 3, adopted Oct. 2, 1990 and Ord. No. 2205, § 3, adopted March 16, 2004.

**Secs. 5-52--5-61. Reserved.**

**ARTICLE IV.**

**ELECTRICITY**

**DIVISION 1.**

**GENERALLY**

**Sec. 5-62. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to

them in this section except where the context indicates a different meaning:

*Journeyman electrician* shall mean any individual working for and under a master electrician as a layout or lead man or doing any skilled work, with or without tools, who performs or causes to be performed the work of installing, maintaining, altering or repairing wires, electric signs, devices, conduits, apparatus, fixtures or other appliances for carrying or otherwise using electric current for lighting, heating or power purposes, with or without compensation.

*Master electrician* shall mean any person who performs the work of installing, maintaining, altering or repairing for hire, wires, electrical signs, devices, conduits, apparatus, fixtures or other appliances for carrying or using electrical current for lighting, heating or power purposes; and who assumes responsible charge and direction of other persons for such electrical work.  
(Ord. No. 1006, § 3, 2-5-80)

**Cross References:** Definitions and rules of construction generally, § 1-2.

### **Sec. 5-63. Penalties.**

Any person who shall violate any of the provisions of the code adopted in this article or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance be guilty of a misdemeanor and upon conviction thereof shall be punished as prescribed in section 1-9 of this Code. The imposition of penalty for any such violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforcement of provisions designed to require removal of the prohibited conditions.

(Ord. No. 1006, § 17(a), 2-5-80)

### **Sec. 5-64. Certain persons and types of work exempt.**

(a) The provisions of this article requiring a certificate for working at or engaging in the business of installing, maintaining, altering or repairing electrical wires, conduits, apparatus, fixtures or other appliances shall not apply to the following:

- (1) The installation, construction, maintenance or repair by electric utility companies of lines for the transmission of electricity from the source of supply to an entrance switch on the premises where it is used; nor to work of the electric utility companies in installing, maintaining, altering or repairing on the premises of customers, service connections and meters and other apparatus and appliances which remain the property of such companies after installation, owned or controlled by them; nor to work connected with the lighting of streets, alleys, private ways or private or public parks, areas or squares.
- (2) Minor repair work, the replacement of lamps, and the connection of portable devices to suitable receptacles which have been permanently installed.

- (3) The installation, alteration or repair of wiring, devices, appliances or equipment for the operation of signals or the transmission of intelligence, where such wiring, devices, appliances or equipment operates at a voltage not exceeding fifty (50) volts between conductors and not including generating or transforming equipment capable of supplying more than fifty (50) watts of energy.
- (4) Any work involved in the manufacture, test or repair of electrical materials, devices, appliances or apparatus but not including any permanent wiring other than that required for testing purposes.
- (5) The assembling, erection, and connection of electric apparatus and equipment by the manufacture of such apparatus and equipment, but not including any electric wiring other than that involved in making electrical connections on the apparatus or equipment itself or between two (2) or more parts of such apparatus or equipment.

(b) Electricians regularly employed by manufacturing plants or other places of business employing competent electricians for maintenance purposes may install such electrical wiring, conduits, and appliances or make such repairs as may be required only on the premises and property of the employer when the electrician demonstrates to the building official that he is qualified and receives from the building official a special permit to do such work and pays the fees as required herein.

(Ord. No. 1006, § 12, 2-5-80)

#### **Sec. 5-65. National Electrical Code--Adopted.**

The National Electrical Code, 2008 Edition, recommended by the National Fire Protection Association, is hereby adopted and enacted as part of the law of the city and the same shall be known as the Electrical Code of the city and may be cited as such.

(Ord. No. 1006, § 1, 2-5-80; Ord. No. 1044, § 1, 5-5-81; Ord. No. 1229, § 1, 10-21-86; Ord. No. 1368, § 1, 10-2-90; Ord. No. 1466, 3-16-93; Ord. No. 1631, § 1, 4-16-96; Ord. No. 1820, § 1, 3-16-99; Ord. No. 2164, § 9, 10-21-03; Ord. No. 2544, § 1, 4-1-08)

**State Law References:** Adoption by reference, Code of Ala., § 11-45-8.

#### **Sec. 5-66. Reserved.**

**Editors Note:** Ord. No. 1631, § 2, adopted Apr. 16, 1996, repealed § 5-66, Amendments derived from Ord. No. 1006, § 2, adopted Feb. 5, 1980.

#### **Sec 5-67. Liability.**

(a) The provisions of this article shall not be construed to relieve or to lessen the responsibility of any person owning, operating, controlling, installing or repairing any electrical wiring, apparatus, devices or equipment for any injury to any person or property; nor shall the article be construed to impose on the city any liability whatever by reason of the examinations herein provided for or by reason of any certificate or license issued hereunder.

(b) This article shall not be construed as imposing upon the city any liability or responsibility for damages to any person injured by any defect in any electrical wiring or appliance mentioned herein, or by

installation thereof; nor shall the city or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of occupancy issued by the building official.

(Ord. No. 1006, §§ 4(d), 18, 2-5-80)

**Secs. 5-68--5-78. Reserved.**

## **DIVISION 2.**

### **ADMINISTRATION AND ENFORCEMENT**

**Sec. 5-79. Building official to enforce article.**

(a) The building official is hereby authorized, empowered and directed to regulate and determine the placing of electric wires or appliances for electric lighting, heating or power purposes in the city and to cause such wires or appliances to be placed, constructed, guarded and maintained so as not to cause fires or accidents endangering life or property.

(b) Subject to constitutional limitations, the building official shall have the right in the discharge of his duties to enter during reasonable hours any building or manhole, or to climb any pole for the purpose of examining and testing the electrical wiring or appliances therein or thereon, and for that purpose he shall be given prompt access to all such places, public and private.

(c) Whenever an electric wire or appliance shall be defective through improper or insufficient insulation, or for any other reason, the building official shall immediately cause the removal of such defect at the expense of the owner of such wire or appliance.

(Ord. No. 1006, § 4(b), (c), 2-5-80)

**Sec. 5-80. Permit required.**

It shall be unlawful for any person to make or cause to be made any connection, for either a new or a previous disconnect, from a source of electrical energy to any electrical wiring, device or equipment without first having obtained from the building official a permit for such work as established herein authorizing such connection or reconnection and the use of such wiring, device or equipment.

(Ord. No. 1006, § 13(a), 2-5-80)

**Sec. 5-81. Inspections.**

(a) It shall be the duty of all master electricians to apply for all inspections of their work by the building official; first, after all roughing has been completed; and second, upon completion of all finished work.

(b) When any part of a wiring installation is to be hidden from view by a permanent part of a building, the person installing the wiring shall notify the building official. Such parts shall not be concealed until they have been inspected and approved by the building official; provided that on large installations where concealment of parts of the wiring proceeds continuously, the person installing the wiring shall give the building official due notice and inspection shall be made periodically during the progress of the work.

(Ord. No. 1006, § 14(c), (d), 2-5-80)

**Sec. 5-82. Permit and inspection fees.**

(a) Before any permit is issued for the wiring of any building for electric lights, heat or power, or any electrical installation; or for the alteration in the wiring of any building for that purpose, the following fees shall be paid to the city by the person making the application for the permit:

For issuing each permit . . . . . \$10.00

*In Addition*

For general inspection of:

Remodeling and changes . . . . . \$10.00

1 to 9 outlets . . . . . 5.00

10 to 14 outlets . . . . . 8.00

15 to 24 outlets . . . . . 11.00

25 to 49 outlets . . . . . 14.00

50 to 74 outlets . . . . . 17.00

75 to 100 outlets . . . . . 20.00

Over 100 outlets, per outlet . . . . . 0.25

Services . . . . . 10.00

Ranges . . . . . 4.00

Water Heaters . . . . . 4.00

Dryers . . . . . 4.00

Other major appliances . . . . . 4.00

Motors not part of heating and air conditioning:

Up to 1 horsepower . . . . . 4.00

1 horsepower to 2 horsepower . . . . . 5.00



2 horsepower to 4 horsepower . . . . . 6.00

4 horsepower to 10 horsepower . . . . . 8.00

10 horsepower and over . . . . . 10.00

(b) Inspection fees for repairing wiring or rewiring existing buildings and for replacing wiring destroyed by fire or other disaster shall be the same as for new work.

(c) Re-inspection fees: A contractor will be allowed one (1) inspection and one (1) re-inspection of the same phase of work under the permit issued. The third (3<sup>rd</sup>) inspection shall be twenty-five dollars (\$25.00). All additional inspections shall be one hundred dollars (\$100.00). If an inspection is requested and the building is locked then a re-inspection fee will be charged for the trip.

(d) If any person commences any work before obtaining the necessary permit from the building official, the permit fee shall be doubled.

(Ord. No. 1006, § 13(b), (c), 2-5-80; Ord. No. 1368, § 2, 10-2-90; Ord. No. 2164, § 10, 10-21-03)

**State Law References:** Fees authorized, Code of Ala., § 11-43-59.

**Sec. 5-83. Certificate of occupancy.**

The building official shall issue a certificate of occupancy at the completion of the work for which an electrical permit has been issued, if after inspection it is found that such work complies with the provisions of this article. However, such certificate may be withheld pending completion of related areas of work at the same location; for example, gas, plumbing and/or building.

(Ord. No. 1006, § 15, 2-5-80)

**Sec. 5-84. Appeals.**

Whenever the building official shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in electrical wiring or installations or when it is claimed that the true intent and meaning of the National Electrical Code or any regulations thereunder have been misconstrued or wrongly interpreted, the permit holder may appeal from the decision of the building official to the board of adjustments and appeals. Notice of appeal shall be in writing and filed within ninety (90) days after the decision is rendered by the building official. A fee of ten dollars (\$10.00) shall accompany such notice of appeal.

(Ord. No. 1229, § 2, 10-21-86)

**Secs. 5-85--5-95. Reserved.**

**DIVISION 3.**

**ELECTRICIANS**

**Part A.**

**General Provisions**

**Sec. 5-96. Supervision of work.**

All electrical work not excepted from the operation and effect of this article shall at all times be done and performed under the general direction and supervision of a master electrician, and the performance of any such work shall be done by or under the physical supervision of a master electrician or journeyman electrician. (Ord. No. 1006, § 14(a), (b), 2-5-80; Ord. No. 1229, § 3, 10-21-86)

**Sec. 5-97. License and certification.**

All persons engaged in the electrical trade within the corporate limits of the city shall be licensed and certified by the State of Alabama Electrical Contractor's Board. (Ord. No. 1006, § 10(a), 2-5-90; Ord. No. 1368, § 3, 10-2-90)

**Sec. 5-98. Bond.**

Every person applying for license as an electrical contractor shall furnish bond in the sum of five thousand dollars (\$5,000.00). The bond required by this section shall be that of a surety company authorized to do business in the city and shall be approved by the city attorney. It shall be made payable to the city and shall be conditioned that the electrician shall indemnify and save harmless the city, its officers and members, of and from all accidents and damages caused by any negligence on the part of the electrician or by unfaithful, imperfect or inadequate work done by him and also to indemnify the city for the failure of the electrician to replace and restore the streets, sidewalks and pavements over any opening the electrician may have made for conduit or other electrical work to an equivalent state and condition as the same was before such opening was made. (Ord. No. 1006, § 10(a), (b), 2-5-80)

**Secs. 5-99--5-101. Reserved.**

**Editors Note:** Ord. No. 1229, §§ 4--6, adopted Oct. 21, 1986, repealed §§ 5-99--5-101, pertaining to board of electrical examiners, charges against electricians, and appeals, as derived from Ord. No. 1006, §§ 5, 9(a), 16, adopted Feb. 5, 1980.

**Secs. 5-102--5-112. Reserved.**

**Part B.**

**Examination and Certification**

**Sec. 5-113. Required.**

All persons engaged in or working at the business of electrical work within the corporate limits of the city shall be subject to examination and certification as herein provided; and it shall be unlawful for any person to engage in work or conduct business in the city as a master electrician without first receiving a certificate from the City of Auburn or the state board of electrical contractors. (Ord. No. 1006, § 6, 2-5-80; Ord. No. 1229, § 7, 10-21-86; Ord. No. 1631, § 3, 4-16-96)

**Sec. 5-114. Application.**

Any person desiring to engage in or work at the business of electrical work as a master electrician shall make application to the state board of electrical contractors at such time and place as the board may direct. (Ord. No. 1006, § 7(a), 2-5-80; Ord. No. 1229, § 8, 10-21-86)

**Secs. 5-115--5-119. Reserved.**

**Editors Note:** Ord. No. 1229, §§ 9--13, adopted Oct. 21, 1986, repealed §§ 5-115--5-119, pertaining to examinations, prerequisites for journeyman and master electricians, and examination fees, as derived from Ord. No. 1006, §§ 7(a)--(d), 8(a), (b), adopted Feb. 5, 1980.

**Sec. 5-120. City of Auburn certification renewal fee.**

The fee for the renewal of the City of Auburn certification shall be one hundred dollars (\$100.00) effective March 30, 2004 and shall be two hundred dollars (\$200.00) effective March 30, 2005. The certificate shall be valid for a term of one year. If this deadline for renewal is not met then the card shall expire and a certificate shall be obtained from the State of Alabama Electrical Contractors Board before a business license will be issued by the City of Auburn. All monies received hereunder shall be paid into the city treasury and deposited into the general fund.

(Ord. No. 1006, § 9, 2-5-80; Ord. No. 1229, § 14, 10-21-86; Ord. No. 2207, § 1, 3-16-04)

**Secs. 5-121--5-136. Reserved.**

**ARTICLE V.**

**FIRE PREVENTION STANDARDS\***

---

\* **Cross References:** Fire prevention and protection generally, Ch. 9.  
**State Law References:** Fire safety regulations authorized, Code of Ala., § 11-43-59.

---

**DIVISION 1.**

**GENERALLY**

**Sec. 5-137. Reserved.**

**Editors Note:** Section 1 of Ord. No. 1552, adopted Oct. 4, 1994, repealed § 5-137, which pertained to adoption of the Life Safety Code and derived from Ord. No. 1109, §§ 1, 2, adopted Dec. 21, 1982 and Ord. No. 1374, § 1, adopted Oct. 2, 1990.

**Sec. 5-138. Standard for tank vehicles for flammable and combustible liquids.**

There is hereby adopted by reference the 1979 edition of the Standard for Tank Vehicles for Flammable and Combustible Liquids, published by the National Fire Protection Association, being NFPA Pamphlet No. 385.

(Code 1956, § 8-9)

**State Law References:** Adoption by reference. Code of Ala., § 11-45-8.

**Secs. 5-139--5-149. Reserved.**

**DIVISION 2.**

## **FIRE PREVENTION CODE**

### **Sec. 5-150. Adoption of the International Fire Code.**

The International Fire Code, 2009 Edition, including Appendix B, Appendix C, and Appendix D, recommended by the International Code Council, Inc., but deleting Sections 103, 108, D104, D106, and D107, Chapter 46, and those portions which are deleted, modified or amended in this article, is hereby adopted and enacted as part of the law of the city and the same shall be know as the International Fire Code of the city and may be cited as such.

(Ord. No. 1369, § 1, 10-2-90; Ord. No. 1549, § 1, 10-4-94; Ord. No. 2164, § 10, 10-21-03; Ord. No. 2500, § 6, 8-7-07; Ord. No. 2646, § 3, 1-19-10)

**State Law References:** Adoption by reference, Code of Ala., § 11-45-8.

### **Sec. 5-150.5. Amendments.**

The International Fire Code adopted in this article is amended and changed in the following respects:

*Section 307.2.2* is hereby added:

Each residential burn permit shall be issued for a period of time not to exceed 60 days.

*Section 307.2.3* is hereby added:

Burn permits issued to contractors shall be issued for a period of time not to exceed 30 days and shall be site specific.

*Section 307.2.4* is hereby added:

Under no circumstances shall heavy oils, asphaltic materials, items containing natural or synthetic rubber, plastics or refuse be burned.

*Section 307.4 Location.* is amended to read as follows:

The location for all burning shall meet the minimum requirements as specified by The Alabama Department of Environmental Management.

*Section 506.1.1, Locks,* is hereby amended:

All occupancies within the City of Auburn, having an automatic fire alarm system or fire sprinkler system, shall be equipped with an Underwriters Laboratory (U.L) type of key lock box. The key lock box shall be compatible with the master key assigned to the Fire Division.

The master key is assigned only to the Auburn Fire Division.

The key lock box shall be located at or near the recognized main entrance. The key lock box location shall be approved by the Codes Division prior to installation. The lock box shall be

located at a height of not less than six (6) feet and not more than eight (8) feet above final grade.

The building owner/manager will install the lock box in the location(s) specified by the Codes Division, and notify the division when it's completed.

No steps, displays, signs or other fixtures, or structure protrusions shall be located under the box which would allow intruders to access the box without assistance.

The box shall be connected to the N.F.P.A. 72A Fire Alarm Control Panel, when provided. Wiring shall be supervised as required in NFPA 72A. Tampering or opening of the box shall produce a Supervisory Signal on Supervisory Zone 1. The signal will then be transmitted through the NFPA 71 panel as a supervisory signal.

Exception: If an NFPA 71 panel only is used, wiring shall be supervised as required in NFPA 71. Tampering or opening of the box shall produce a supervisory signal.

The box shall contain the keys for the following. The keys shall be labeled so as to be easily identified in the field:

1. The main entrance door; mixed occupancies and strip shopping center keys shall be provided only for occupancies where system control valves or fire alarm system panel exists. Keys to locked points of egress, whether on the interior or exterior of such buildings.
2. Alarm room (if one exists).
3. Mechanical rooms and sprinkler control rooms.
4. Fire alarm control panel.
5. Electrical rooms.
6. Special keys to reset pull-stations or other fire protection devices.
7. Elevator keys, if required.
8. All other rooms as specified during the plans review process.

The Codes Division shall be responsible for the administration of this standard and shall indicate specific requirements for new structures.

For existing structures, the Codes Division shall be responsible for administration of this standard and notify the owner or operator by proper notice for compliance.

Compliance shall be required within six (6) months of the effective date of this ordinance.

Exceptions: Any building or site that has twenty-four (24) hour, seven (7) days a week guard service shall not need to provide a key lock box.

Section 907.3 is hereby deleted.

Table 1004.1.1 is amended as follows:

Maximum floor area allowances per occupant, Table section-Assembly without fixed seats:

Concentrated (chairs only-not fixed)	7 net
Standing space	7 net
Unconcentrated (tables and chairs)	15 net

*Section C105.1. Hydrant spacing.* The average spacing between fire hydrants shall not exceed that listed in Table C105.1 and the maximum travel distance between fire department connections for building sprinkler systems and standpipes shall not exceed 125 feet.

Exception: The fire chief is authorized to accept a deficiency up to a 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in table C105.1.

(Ord. No. 1369, § 2, 10-2-90; Ord. No. 1632, § 1, 4-16-96; Ord. No. 2050, § 1, 4-2-02; Ord. No. 2164, § 12, 10-21-03; Ord. No. 2500, § 7, 8-7-07; Ord. 2534, § 1, 1-22-08; Ord. No. 2646, § 4, 1-19-10)

### **Sec. 5-151. Enforcement.**

The fire prevention code adopted by reference in this division shall be enforced by the codes enforcement division.

(Code 1956, § 8-2; Ord. No. 1369, § 3, 10-2-90; Ord. No. 1549, § 2, 10-4-94)

### **Sec. 5-152. Definitions.**

(a) Wherever the word "municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Auburn, Alabama.

(b) Wherever the term "corporation counsel" is used in the Fire Prevention Code, it shall be held to mean the attorney for the city.

**Cross References:** Definitions and rules of construction generally, § 1-2.

### **Sec. 5-152.5. Omission of certain administrative provisions.**

Notwithstanding anything contained herein to the contrary, Section 103, and Section 108 of the International Fire Code is not adopted by the city and is hereby deleted.

(Ord. No. 1369, § 4, 10-2-90; Ord. No. 1549, § 3, 10-4-94; Ord. No. 2500, § 8, 8-7-07; Ord. No. 2646, § 5,

1-19-10)

### **Sec. 5-153. Modifications**

The chief inspector of the codes enforcement division shall have the power to modify any of the provisions of the standard fire prevention code adopted by reference in this division upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of such code, provided that the spirit of such code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief codes inspector shall be entered upon the records of the division and a signed copy shall be furnished the applicant.

(Code 1956, § 8-6; Ord. No. 1369, § 5, 10-2-90; Ord. No. 1549, § 4, 10-4-94)

### **Sec. 5-154. New materials, processes or occupancies which may require permits.**

The chief codes inspector of the codes enforcement division shall determine and specify, after giving affected persons an opportunity to be heard, and new materials processes or occupancies, which shall require permits, in addition to these now enumerated in the publication adopted by reference in this division. The chief codes inspector of the codes enforcement division shall post a list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Code 1956, § 8-8.3; Ord. No. 1369, § 6, 10-2-90; Ord. No. 1549, § 5, 10-4-94)

### **Sec. 5-155. Appeals**

Whenever the codes enforcement division shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the publication adopted by reference in this division do not apply or that the true intent and meaning of such publication have been misconstrued or wrongly interpreted, the applicant may appeal from the codes enforcement division to the board of adjustments and appeals within thirty (30) days from the date of the decision appealed.

(Code 1956, § 8-7; Ord. No. 1369, § 7, 10-2-90; Ord. No. 1549, § 4, 10-4-94)

### **Sec. 5-156. Penalty.**

(a) Any person who shall violate any of the provisions of the publication adopted by reference in this division hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, upon conviction be punished as provided in section 1-9 of this Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1956, § 8-3; Ord. No. 1369, § 8, 10-2-90)

**Secs. 5-157--5-172. Reserved.**

## **ARTICLE VI.**

### **HOUSING CODE\***

---

\* **Cross References:** Housing discrimination, § 13-9.

---

#### **Sec. 5-173. Adoption of the International Property Maintenance Code.**

The International Property Maintenance Code, 2009 Edition, recommended by the International Code Council, but deleting Section 103 and Section 111 and those portions which are modified or amended in this article, is hereby adopted and enacted as part of the law of the city and the same shall be known as the International Property Maintenance Code of the city and may be cited as such.

(Ord. No. 1094, § 1, 9-7-82; Ord. No. 1370, § 1, 10-2-90; Ord. No. 1684, § 1, 3-4-97; Ord. No. 2205, § 5, 3-16-04; Ord. No. 2500, § 18, 8-7-07; Ord. No. 2646, § 15, 1-19-10)

**State Law References:** Adoption by reference, Code of Ala., § 11-45-8.

#### **Sec. 5-174. Amendments.**

The International Property Maintenance Code adopted in this article is amended and changed in the following respects:

*Section 302.4 Weeds* is amended as follows:

All Premises and exterior property shall be maintained free from weeds or plant growth in excess of Twelve inches (12"). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers or gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the owner or agent responsible for the property.

*Section 304.14 Insect Screens* is amended as follows:

During the period from January 1<sup>st</sup> to December 31<sup>st</sup>, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting



screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

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

*Section 602.3 Heat Supply* is amended as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1<sup>st</sup> to May 1<sup>st</sup> to maintain a temperature of not less than 68 Degrees F (20 Degrees C) in all habitable rooms, bathrooms and toilet rooms.

*Exceptions:*

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

*Section 604.2 Service* is amended as follows:

The size and usage of appliances and equipment shall serve as a basis for the determining the need for additional facilities in accordance with the currently adopted edition of NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 100 amps.

(Ord. No. 2205, § 6, 3-16-04; Ord. No. 2500, § 19, 8-7-07; Ord. No. 2646, § 16, 1-19-10)

#### **Sec. 5-175. Omission of certain administrative provisions.**

Notwithstanding anything contained herein to the contrary, Section 103 and Section 111 of the International Property Maintenance Code is not adopted by the city and is hereby deleted.

(Ord. No. 1094, § 3, 9-7-82; Ord. No. 2205, § 7, 3-16-04; Ord. No. 2500, § 20, 8-7-07; Ord. No. 2646, § 17, 1-19-10)

#### **Sec. 5-176. Same--Penalties.**

Any person who shall violate any of the provisions of the International Property Maintenance Code adopted in this article or who fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder or any certificate or permit issued hereunder and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the governing body or by a court of

competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor and upon conviction thereof shall be punished as prescribed in section 1-9 of this Code. The imposition of one penalty for violation shall not excuse the violation or permit it to continue. The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.  
(Ord. No. 1094, § 4, 9-7-82; Ord. No. 2205, § 8, 3-16-04)

**Secs. 5-177--5-192. Reserved.**

**ARTICLE VII.**

**MECHANICAL CODE**

**Sec. 5-193. Adoption of the International Mechanical Code.**

The International Mechanical Code, 2009 Edition, recommended by the International Code Council, Inc., but deleting Section 103 and Section 109 for those portions which are deleted, modified, or amended in this article, is hereby adopted and enacted as part of the law of the city and shall be know as the International Mechanical Code of the city and may be cited as such.

(Ord. No. 1092, § 1, 9-7-82; Ord. No. 1302, § 1, 12-20-88; Ord. No. 1556, § 1, 11-1-94; Ord. No. 1753, § 1, 3-17-98; Ord. No. 2164, § 13, 10-21-03; Ord. No. 2500, § 9, 8-7-07; Ord. No. 2646, § 6, 1-19-10)

**State Law References:** Adoption by reference, Code of Ala., § 11-45-8.

**Sec. 5-194. Amendments.**

The code adopted in this article is amended and changed in the following respects:

*Section 106.5.2. Fee Schedule*, is amended to read as follows:

The following permit fees shall be charged:

(a) Permit fees:

For issuing each permit . . . . . \$10.00

(b) In addition:

Fee for systems with both heat and air conditioning:

One ton and up to 5 tons or fraction thereof, per ton . . . . . 4.00

Over 5 tons and up to 10 tons or fraction thereof, per ton . . . . . 3.00

Over 10 tons, per ton . . . . . 2.00

Fee for systems with heat only:

Electric Systems, per kw . . . . . 1.00

Gas Systems, per 10,000 BTU . . . . . 2.00

(c) Re-inspection fees:

A contractor will be allowed one (1) inspection and one (1) re-inspection of the same phase of work under the permit issued. The Third (3<sup>rd</sup>) inspection shall be Twenty-Five Dollars (\$25). All additional inspections shall be One Hundred Dollars (\$100). If an inspection is requested and the building is locked then a re-inspection fee will be charged for the trip.

(Ord. No. 1092, § 2, 9-7-82; Ord. No. 1302, § 2, 12-20-88; Ord. No. 1556, § 2, 11-1-94; Ord. No. 1753, § 2, 3-17-98; Ord. No. 2164, § 14, 10-21-03; Ord. No. 2500, § 10, 8-7-07; Ord. No. 2646, § 7, 1-19-10)

**Sec. 5-195. Reserved.**

**Editors Note:** Ord. No. 1302, § 3, adopted Dec. 20, 1988, repealed § 5-195, concerning omission of certain administrative provisions of the mechanical code, as derived from Ord. No. 1092, § 3, adopted Sept. 7, 1982.

**Sec. 5-196. Penalties.**

Any person who shall violate any of the provisions of the code adopted in this article or who shall fail to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such order as affirmed or modified by the governing body or by a court of competent jurisdiction within the time fixed therein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor and upon conviction thereof shall be punished as prescribed in section 1-9 of this Code. The imposition of one penalty for violation shall not excuse the violation or permit it to continue. The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 1092, § 4, 9-7-82)

**Sec. 5-197. Examination and certification.**

All persons engaged in the heating and air conditioning trade within the corporate limits of the city shall be subject to examination and certification as herein provided and it shall be unlawful for any person to engage in the heating and air conditioning business in the city without first receiving a certificate from the state board of Heating and Air Conditioning Contractors. (Ord. No. 1302, § 4, 12-20-88; Ord. No. 1556, § 2, 11-1-94)

**Secs. 5-198--5-212. Reserved.**

**ARTICLE VIII.**

**PLUMBING AND GAS\***

---

\* **Cross References:** Drainage and flood control, Ch. 7; sewers and sewage disposal, Ch. 19.

---

## DIVISION 1.

### GENERALLY

#### Sec. 5-213. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

*Certain appliances* shall mean conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters and boilers.

*Gas company* shall mean any person distributing gas within the corporate limits of the city, or authorized and proposing to so engage.

*Gas installer* shall mean a person who is concerned with the design, fabrication, installation, testing and operation of a consumer's gas piping and gas appliances including such fuel gases as natural gas, manufactured gas, undiluted liquefied petroleum gases, liquefied petroleum gas, air or mixtures thereof.

*Gas installing* is the design, fabrication, installation, test and operation of gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances using fuel gases such as natural testing gas, manufactured gas, undiluted liquefied petroleum gases, liquefied petroleum gas, air or mixtures thereof.

*Journeyman gas installer* shall mean any individual working for and under a master gas installer as a layout or lead man or doing any skilled work, with or without tools, who performs or causes to be performed the work of installing, maintaining, altering or repairing, for hire, gas piping, apparatus, fixtures or other appliances for carrying or using consumer gas for lighting, heating or other fuel purposes with or without compensation.

*Master gas installer* shall mean a person, who performs the work of installing, maintaining, altering or repairing, for hire, gas piping, apparatus, fixtures or other appliances for carrying or using consumer gas for lighting, heating or other fuel purposes, and who assumes responsible charge and direction of other persons for such gas installing.

*Plumbing* shall mean the practice, materials, and fixtures used in the installation, maintenance, extension, alteration of all piping fixtures, appliances, and appurtenances in connection with any of the following: Sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building, structure or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of storm water, liquid waste or sewage and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal. (Code 1956, §§ 5-50, 5-59(a); Ord. No. 1091, §§ 3, 12, 9-7-82)

**Cross References:** Definitions and rules of construction generally, § 1-2.

#### Sec. 5-214. Exemptions.

- (a) The provisions of this article requiring a certificate for working at gas installing shall not apply

to the installation, construction, maintenance or repair of piping for the transmission of fuel gas from the source of supply to the entrance meters on the premises where it is used by gas supply companies.

(b) Gas installers regularly employed by manufacturing plants or other places of business employing competent gas installers for maintenance purposes may install such gas piping and appliances and do such other gas installing as may be required, provided such work is on the premises and property of the employer and provided such gas installer demonstrates to the building official that he is qualified and receives from the building official a special permit to do such work and pays the fees as required herein.

(c) Nothing herein contained shall make it unlawful for certified gas fitters to install not exceeding fifteen (15) feet of water pipe per water line connected to such appliances in connection with the installation or replacement of any gas appliance, but in no case will they be permitted to connect to any sanitary fixtures or sanitary lines.

(d), (e) Reserved.

(f) Private water and disposal systems will not be subject to this article where same are inspected by the health officer.

(Ord. No. 1956, 5-59(b)--(d); Ord. No. 1091, § 12, 9-7-82; Ord. No. 1550, § 1, 10-4-94)

**Cross References:** Private sewage disposal systems, § 19-71 et seq.

**Secs. 5-215--5-225. Reserved.**

## **DIVISION 2.**

### **PLUMBING STANDARDS**

#### **Sec. 5-226. Adoption of International Plumbing Code.**

The International Plumbing Code, 2009 Edition, recommended by The International Code Council Inc, but deleting Section 103 and Section 109 and those portions which are deleted, modified, repealed or amended in this article, is hereby adopted and enacted as part of the law of the city and the same shall be known as the International Plumbing Code of the city and may be cited as such.

(Ord. No. 1091, § 1, 9-7-82; Ord. No. 1301, § 1, 12-20-88; Ord. No. 1550, § 2, 10-4-94; Ord. No. 1752, § 1, 3-17-98; Ord. No. 2164, § 15, 10-21-03; Ord. No. 2500, § 11, 8-7-07; Ord. No. 2646, § 8, 1-19-10)

**Cross References:** Septic tank construction and use to be in accordance with Standard Plumbing Code, § 19-76.

**State Law References:** Adoption by reference, Code of Ala., § 11-45-8.

#### **Sec. 5-227. Reserved.**

**Editors Note:** Ord. No. 1633, § 1, adopted Apr. 16, 1996, repealed § 5-227, Amendments, derived from Ord. No. 1477, § 1, adopted May 18, 1993; and Ord. No. 1550, § 3, adopted Oct. 4, 1994.

#### **Sec. 5-228. Enforcement officer.**

There is hereby established a unit of administration of the city to be called plumbing inspection. Subject to the supervision and control of the city manager, the duties of plumbing inspection shall be carried out and the plumbing code adopted by this division, enforced by the building official or his designated agent. The building

official or his designated agent shall be known as the plumbing official.  
(Ord. No. 1091, § 4, 9-7-82)

**Sec. 5-229. Amendments.**

The code adopted in this article is amended and changed in the following respects:

The following sections of the International Plumbing Code 2009 Edition are amended to read as follows:

*Section 106.6.2 Fee Schedule,*

(a) It shall be unlawful for any person to make or cause to be made by connection, either a new or a previous disconnect to any plumbing work without first having obtained from the building official a permit for such work, as established in this division, authorizing such connection.

(b) Before any such permit is issued, the following fees shall be paid to the City by the person making the permit application for the permit:

Permit fees:

For issuing each permit . . . . . \$10.00

Plus the following when provided:

For each plumbing fixture, floor drain or trap, including water and drainage piping . . . . .  
2.50

For each house sewer . . . . . 5.00

For each house sewer having to be replaced or repaired . . . . . 5.00

For each cesspool . . . . . 5.00

For each septic tank and seepage pit or drain field . . . . . 10.00

For each water heater and/or vent . . . . . 2.50

For installation, alteration, or repair of water piping and/or water treating equipment . . . .  
. 5.00

For repair or alteration of drainage or vent piping . . . . . 5.00

For vacuum breakers or backflow protection devices installed subsequent to the  
installation of the piping or equipment served:

1 to 5 . . . . . 2.50

over 5, each . . . . . 1.50

(c) Inspection fees for repairing plumbing work of existing buildings or replacing plumbing destroyed by disaster shall be the same as for new work.

(d) Re-inspection fees: A contractor will be allowed one (1) inspection and one (1) re-inspection of the same phase of work under the permit issued. The Third (3<sup>rd</sup>) inspection shall be Twenty-Five Dollars (\$25). All additional inspections shall be One Hundred Dollars (\$100). If an inspection is requested and the building is locked then a re-inspection fee will be charged for the trip.

*Section 1003.3.4 Grease interceptors and automatic grease removal devices.* Grease interceptors and grease removal devices shall meet the requirements of the Water Resource Management Design and Construction Manual and the City of Auburn Standard Details.

*Section 1003.4.2 Oil separator Design.* Oil separators shall comply with the Water Resource Management Design and Construction Manual and the City of Auburn Standard Details.

*Section 1003.5 Sand Interceptors.* Sand Interceptors shall comply with the Water Resource Management Design and Construction Manual and the City of Auburn Standard Details.

(Ord. No. 1091, § 13, 9-7-82; Ord. No. 1301, § 3, 12-20-88; Ord. No. 2164, § 16, 10-21-03; Ord. No. 2500, § 12, 8-7-07; Ord. No. 2646, § 9, 1-19-10)

**State Law References:** Fees authorized, Code of Ala., § 11-43-59.

**Sec. 5-230. Certificate of occupancy.**

The building official shall issue a certificate of occupancy at the completion of the work for which a plumbing permit has been issued, if, after inspection, it is found that such work complies with the provisions of this division; however, such certificate of occupancy may be withheld pending completion of related areas of work (gas, electrical, building) at the same location.

(Ord. No. 1091, § 15, 9-7-82)

**Sec. 5-231. Civil liability of city.**

This division shall not be construed as imposing upon the city any liability or responsibility from damages to any person injured by any defect in any plumbing work mentioned herein, or by installation thereof, nor shall the city or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of occupancy issued by the building official.

(Ord. No. 1091, § 18, 9-7-82)

**Sec. 5-232. Penalty.**

Any person who shall violate any of the provisions of the publication adopted by reference in this division or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or

who shall fail to comply with such order as affirmed or modified by the governing body or by a court of competent jurisdiction within the time fixed therein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-9 of this Code. The imposition of one penalty for violation shall not excuse the violation or permit it to continue. The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 1091, § 17, 9-7-82)

**Secs. 5-233--5-243. Reserved.**

### **DIVISION 3.**

### **GAS STANDARDS**

**Sec. 5-244. Adoption of the International Fuel Gas Code.**

The International Fuel Gas Code, 2009 Edition, recommended by the International Code Council, Inc., but deleting Section 109 and those portions which are deleted, modified, or amended in this article, is hereby adopted and enacted as part of the law of the city and the same shall be known as the International Fuel Gas Code of the city and may be cited as such.

(Ord. No. 1093, § 1, 9-7-82; Ord. No. 1303, § 1, 12-20-88; Ord. No. 1551, § 1, 10-4-94; Ord. No. 1754, § 1, 3-17-98; Ord. No. 2164, § 1, 10-21-03; Ord. No. 2500, § 13, 8-7-07; Ord. No. 2646, § 10, 1-19-10)

**State Law References:** Adoption by reference, Code of Ala., § 11-45-8.

**Sec. 5-245. Reserved.**

**Editors Note:** Ord. No. 1303, § 2, adopted Dec. 20, 1988, repealed § 5-245, concerning amendments to the gas code, as derived from Ord. No. 1093, § 3, adopted Sept. 7, 1982.

**Sec. 5-246. Amendments.**

The International Fuel Gas Code adopted in this article is amended and changed in the following respects:

*Section 106.6.2, Fee Schedule,* is amended to include the following fee schedule:

The fees which shall be charged for gas permits shall be as follows:

(1) For issuing each permit . . . . . \$5.00

In addition:

For each gas piping system, per outlet . . . . . 4.00

(2) The inspection fee for repairing gas installations of old houses and replacing piping destroyed by disaster shall be the same as for new work. The fees for fixtures or apparatus not covered therein shall be set by the city manager subject to approval by the governing body.



(3) A permit for the installation of replacement fixtures shall be issued without charge if the installation does not disturb gas piping.

(4) Re-inspection fees: A contractor will be allowed one (1) inspection and one (1) re-inspection of the same phase of work under the permit issued. The third (3<sup>rd</sup>) inspection shall be Twenty-Five Dollars (\$25). All additional inspections shall be One Hundred Dollars (\$100). If an inspection is requested and the building is locked then a re-inspection fee will be charged for the trip.

(Ord. No. 1093, § 2, 9-7-82; Ord. No. 1303, § 3, 12-20-88; Ord. No. 2164, § 17, 10-21-03; Ord. No. 2500, § 14, 8-7-07; Ord. No. 2646, § 11, 1-19-10)

#### **Sec. 5-247. Certificate of occupancy.**

The building official shall issue a certificate of occupancy at the completion of the work for which a gas-installing permit has been issued, if after inspection it is found that such work complies with the provisions of this article. However, such certificate may be withheld pending completion of related areas of work (plumbing, electrical, building) at the same location.

(Code 1956, § 5-62)

#### **Sec. 5-248. Penalty.**

Any person who shall violate any of the provisions of the publication adopted by reference in this division or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such order as affirmed or modified by the governing body or by a court of competent jurisdiction within the time fixed therein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-9 of this Code. The imposition of one penalty for violation shall not excuse the violation or permit it to continue. The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 1093, § 4, 9-7-82)

#### **Secs. 5-249--5-259. Reserved.**

### **DIVISION 4.**

### **PLUMBERS AND GAS INSTALLERS**

#### **Part A.**

#### **General Provisions**

#### **Sec. 5-260. Use of plumber or gas fitter required.**

(a) Plumbing work shall at all times be done and performed under the general direction and

supervision of a master plumber and the performance of any such work shall be done by or under the direct physical supervision of a master or journeyman plumber. No master plumber shall send any person on any job requiring a certificate in the capacity of a plumber without such person being in the possession of a certificate issued by the Alabama Plumbers and Gas Fitters Examining Board.

(b) All gas installing work shall at all times be done and performed under the general direction and supervision of a gas fitter and the performance of any such work shall be done by or under the direct physical supervision of a master gas fitter. No master gas fitter shall send any person on any job requiring a certificate in the capacity of gas fitter without such person being in the possession of a certificate issued by the Alabama Plumbers and Gas Fitters Examining Board.

(Code 1956, § 5-61; Ord. No. 1091, § 14, 9-7-82; Ord. No. 1301, § 4, 12-20-88; Ord. No. 1303, § 4, 12-20-88)

### **Sec. 5-261. License and bond for plumbers.**

(a) Every person engaged as a plumbing contractor in the business of plumbing and drainlaying in the city shall apply for and shall be issued a license upon the applicant's paying the license fee and furnishing bond in the sum of five thousand dollars (\$5,000.00). However, such person shall be certified as a master plumber and gas installer or shall have in his employment continuously during the period for which the license is issued, a person who is so certified. All such licenses shall expire annually on the December 31.

(b) The bond required by this section shall be that of a surety company authorized to do business in the city and shall be approved by the city attorney. It shall be made payable to the city and shall be conditioned that the person engaged in the plumbing business will faithfully observe all the laws pertaining to plumbing, drainlaying, blasting, and excavating; that the governing body shall be indemnified and saved harmless from all claims arising from negligence of such person engaged in the plumbing business, or by any other unfaithful or inadequate work done either by such person or his agents or employees, and that such person will maintain in a safe condition for a period of one year all ditches and excavations which may be opened in the performance of any plumbing work, and further that all dirt and other material excavated will be replaced in a good condition with similar materials. Where such excavation is made in an unpaved street, or any street paved with dirt or macadam, the word "street" as herein used, shall apply to sidewalks, curbs, gutters, and street paving.

(Ord. No. 1091, § 10, 9-7-82)

**Cross References:** Streets and sidewalks, Ch. 21.

### **Sec. 5-262. License and bond for gas installers.**

(a) Every person engaged as a gas installer contractor in the business of gas installing in the city shall apply for and shall be issued a license upon the applicant's paying the license fee and furnishing bond in the sum of five thousand dollars (\$5,000.00); however, such person shall be certified by the Alabama Plumbers and Gas Fitters Examining Board as a master gas installer or shall have in his employment, continually during the period for which the license is issued, a person who is so certified. All such licenses shall expire annually on December 31.

(b) The bond required by this section shall be that of a surety company authorized to do business in the city and shall be approved by the city attorney; it shall be made payable to the city and shall be conditioned that the gas installer shall indemnify and save harmless the city, its officers and members, of and from all accidents and damages caused by any negligence on the part of the gas installer or by any unfaithful, imperfect or inadequate work done by him and also to indemnify the city for failure of the gas installer to replace and

restore the streets, sidewalks, pavements and earth over any opening the gas installer may have made, to as good state and condition as the same before such opening was made; provided however, that this bond may be made to cover plumbing if so certified. Similarly, a plumber's bond shall cover gas installing.

(Code 1956, § 5-57)

**Editors Note:** Ord. No. 1301, adopted Dec. 20, 1988, repealed provisions pertaining to the board of plumbing examiners and added provisions designating the state plumbers and gas fitters examining board as the certifying agency for plumbers and gas installers; hence, in keeping with the intent of Ord. No. 1301 and pursuant to § 16 thereof repealing portions of the Code inconsistent therewith, reference to the "board of plumbing examiners" has been changed to "Alabama Plumbers and Gas Fitters Examining Board" by the editor, with permission of the city.

#### **Secs. 5-263--5-265. Reserved.**

**Editors Note:** Ord. No. 1301, §§ 5--7, adopted Dec. 20, 1988, repealed §§ 5-263--5-265, pertaining to the board of plumbing examiners, as derived from Code 1956, § 5-63; and Ord. No. 1091, §§ 5, 9, 16, adopted Sept. 7, 1982.

#### **Secs. 5-266--5-276. Reserved.**

### **Part B.**

#### **Certification**

#### **Sec. 5-277. Required.**

(a) All persons engaged in or working at the business of plumbing work within the corporation limits of the city shall be subject to certification as herein provided; and it shall be unlawful for any person to engage in business in the city as a master plumber without first receiving a certificate from the Alabama Plumbers and Gas Fitters Examining Board.

(b) All persons engaged in or working at the business of gas installing within the limits of the city or its police jurisdiction shall be subject to examination and certification as herein provided and it shall be unlawful for any person to engage in the business of gas installing in the city or its police jurisdiction either as a master gas installer or as a journeyman gas installer without first receiving a certificate from board of plumbing examiners.

(Code 1956, § 5-53; Ord. No. 1091, § 6, 9-7-82; Ord. No. 1301, § 8, 12-20-88)

#### **Sec. 5-278. Application.**

(a) Any person desiring to engage in or work at the plumbing trade either as a master plumber or as a journeyman plumber shall make application to the Alabama Plumbers and Gas Fitters Examining Board at such time and place as the board may direct.

(b) Any person desiring to engage in or work at the business of gas fitting either as a master gas fitter or as a journeyman gas fitter shall make application to the Alabama Plumbers and Gas Fitters Examining Board at such time and place as the board may direct.

(Code 1956, § 5-54; Ord. No. 1091, § 7(a), 9-7-82; Ord. No. 1301, § 9, 12-20-88; Ord. No. 1303, § 6, 12-20-88)

#### **Secs. 5-279--5-284. Reserved.**

**Editors Note:** Ord. No. 1301, §§ 10--15, adopted Dec. 20, 1988, repealed §§ 5-279--5-284. Such sections pertained to examination of master and journeyman plumbers and gas installers, and certification and renewal fees, as derived from Code 1956, §

5-56; and Ord. No. 1091, §§ 7--9, adopted Sept. 7, 1982.