

ORDINANCE NO. 2012-1145

AN ORDINANCE ADOPTING TECHNICAL CODES AND SUPPLEMENTAL PROVISIONS

WHEREAS, This ordinance of the **City of Orange Beach, Alabama** adopts technical codes regulating and governing the construction, alteration, repair, conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities, systems and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the **City of Orange Beach, Alabama**; provides for the issuance of permits and collection of fees therefore;

NOW BE IT ORDAINED by the City Council of the City of Orange Beach, Alabama as follows:

Section 1. That SECTION 42-41. of the *City of Orange Beach, Alabama Code of Ordinances* is amended to read as follows:

Sec. 42.41. Technical Codes

Pursuant to the provision of §11-45-8, Code of Alabama, 1975 § 11-45-8 (as amended), the following rules and regulations which have been printed as a code in book or pamphlet form, copies of which are on file in the offices of the Building Official, City Clerk, and the City of Orange Beach Public Library, are hereby adopted as rules and regulations in, of and for the city with the additions, insertions, deletions and changes, if any, as prescribed.

- (a) The *2012 International Building Code* including Appendix Chapters I and K as published by the International Code Council, be and is hereby adopted as the Building Code of the **City of Orange Beach**, in the State of **Alabama** and the following sections are hereby revised:

The *2012 Coastal Construction Supplement* attached hereto is hereby adopted as an appendage to the International Building Code for design and construction of structures within the **City of Orange Beach**, in the State of **Alabama**.

Section 101.1. Insert: **City of Orange Beach, Alabama**

Section 105.1.1 **Delete in its' entirety**

Section 105.1.2 **Delete in its' entirety**

Section 105.2 **Delete item 1 in its' entirety**

Section 105.2 **Delete "not over 7 feet (2134mm) high"**

Section 105.2 **Delete item 3 in its' entirety**

Section 105.2 **Delete item 9 in its' entirety**

Section 105.3.2 Insert: **"There will be a \$50 charge for extensions granted for permit applications in accordance with Section 105.3.2"**

Section 105.5 Insert: **"A minimum of one inspection must be requested within this 180 day period."**

Section 105.5 Insert: **"There will be a \$100 charge for extensions to permits in accordance with Section 105.5."**

Section 107.2 Insert: **" All construction documents shall be prepared by an architect or engineer registered in the state of Alabama and shall be signed and sealed as required by law."**

Section 107.2.5 Insert: **"All setbacks, easements and buffers are the direct responsibility of the builder or homeowner and not the responsibility of the building**

department or the City of Orange Beach, Alabama. Therefore, on all structures moved to or constructed upon any properties within the corporate limits of the City of Orange Beach, a spot survey prepared by an Alabama-licensed surveyor must be submitted to the building department upon completion of pile supports on the first level. For slab supported structures this shall be a "Form Board" or "As Staked" survey done prior to concrete placement. This survey shall account for the proposed outside dimensions of building(s), accounting for wall thickness, band placement, or pile cap and slab placement. Dimensions are required from all lot lines. The survey shall depict grade elevations and proposed elevations of the lowest finished floor. Assumed elevations may be used if construction does not require an elevation certificate. Further building construction shall cease until the requirements of this paragraph are met. If an elevation certificate is required in accordance with Article III, it will have to be verified and amended for finished construction."

Section 107.3.1 Insert: "All commercial and residential structures moved to or constructed within the corporate limits of the City of Orange Beach shall have the finished floor elevation (FFE) of any enclosed space one foot above the average centerline of the nearest paved or public street, or be in accordance with Article III FLOOD DAMAGE PREVENTION, and any revisions thereto, whichever is greater. The one-foot-above-centerline requirement may be adjusted or waived in writing by the City Engineer due to obvious or unusual site conditions that would make strict application of this section impractical.

Section 109.3 Insert: "For new construction, the valuation used to determine the applicable fees shall be calculated from the most current version of the Building Valuation Data published by the International Code Council."

EXCEPTION:
Group U Buildings

Section 109.6 Insert: "The policy for applications and permits issued in accordance with this Code is as follows: Plans Review fees, Issuance fees, Data Processing fees and Penalties are non-refundable. Permits that expire in accordance with Section 105.5 prior to commencement of any work may, upon written request, be granted a refund for the permit fee less a \$100 administration fee; no refund will be given where work on the permit has commenced.

Section 1107.4 Exceptions Insert: 3. Thresholds at exterior balcony doorways.

Section 1609 .1.2 Delete Exception 1.

Section 1609.3 Insert: The ultimate design wind speed, V_{ult} , as determined by the City of Orange Beach Alabama is as follows:

RISK CATEGORY 1	RISK CATEGORY 2	RISK CATEGORY 3
147 MPH	157 MPH	170 MPH

Risk Category 4 must provide design wind speed determination by calculation

Section 1612.3. Insert: Baldwin County, Alabama and incorporated area

Section 1612.3. Insert: July 17, 2007

Section 1613 Delete in its' entirety

Section 3410 Insert: "All commercial or residential structures relocated or moved to be utilized in a different location must be in compliance with all existing, adopted building, plumbing, electrical and mechanical codes and standards. The owner of the structure shall provide proof that the structure was permitted and constructed under the Building Code edition referenced in Section 1 of this ordinance. The owner

must also submit a letter showing that the structure has been inspected and found by a duly licensed professional pest service to be free of termites. The structure must be set on the permanent foundation within 30 days of being placed onto the lot or the moving permit becomes void. For plumbing, mechanical, electrical and gas installations not permitted in accordance with the code edition referenced in Section 1 of this Ordinance, the owner may agree to make all necessary improvements required in order for said installations to comply with this ordinance and any local codes or ordinances within 30 days from the date of issuance of the moving permit. An additional one-time extension of 30 days may be granted by the building official after payment of an additional moving fee. Failure to complete improvements under this section will be subject to penalties as provided by law. Proof of compliance with this section will be a Certificate of Completion issued by the building official upon successful final inspection.

EXCEPTION:

These requirements shall not apply to structures relocated within a platted lot for the purpose of correcting a non-conformity in regards to setbacks or elevation."

- (b) The 2012 *International Residential Code* including Appendix Chapters, E, G, H, J, M and Appendix P as revised, as published by the International Code Council, be and is hereby adopted as the Residential Code of the **City of Orange Beach**, in the State of **Alabama** and the following sections are hereby revised:

The 2012 *Coastal Construction Supplement* attached hereto is hereby adopted as an appendage to the International Residential Code for design and construction of structures within the **City of Orange Beach**, in the State of **Alabama**.

Section R101.1. Insert: **City of Orange Beach, Alabama**

Section R105.2 item 1 **Delete in its' entirety**

Section R105.2 item 2 **Delete "not over 7 feet (2134mm) high"**

Section R105.2 item 3 **Delete in its' entirety**

Section R105.2 item 7 **Delete in its' entirety**

Section R105.3.2 Insert: **"There will be a \$50 charge for extensions granted for permit applications in accordance with Section R 105.3.2"**

Section R105.5 Insert: **"A minimum of one inspection must be requested within this 180 day period."**

Section R105.5 Insert: **"There will be a \$100 charge for extensions to permits in accordance with Section R105.5."**

Section R106.1 Insert: **"Structural portions of construction documents shall be prepared by an architect or engineer registered in the state of Alabama and shall be signed and sealed as required by law."**

Exception: 1) Additions of not more than 50% of the area under roof or 1000sf whichever is less, may be constructed in accordance with the most recent edition of ICC 600 *STANDARD FOR RESIDENTIAL CONSTRUCTION IN HIGH WIND REGIONS* without engineered drawings.
2) Accessory buildings not exceeding 1,000 sf may be constructed in accordance with ICC 600 *STANDARD FOR RESIDENTIAL CONSTRUCTION IN HIGH WIND REGIONS* without engineered drawings."

Section R106.2 Insert **“All residential structures moved to or constructed within the corporate limits of the City of Orange Beach shall have the finished floor elevation (FFE) of any enclosed space one foot above the average centerline of the nearest paved or public street, or be in accordance with Article III FLOOD DAMAGE PREVENTION, and any revisions thereto, whichever is greater. The one-foot-above-centerline requirement may be adjusted or waived in writing by the City Engineer due to obvious or unusual site conditions that would make strict application of this section impractical.**

Section R106.2 Insert **“All setbacks, easements and buffers are the direct responsibility of the builder or homeowner and not the responsibility of the building department or the City of Orange Beach, Alabama. Therefore, on all structures moved to or constructed upon any properties within the corporate limits of the City of Orange Beach, a spot survey prepared by an Alabama-licensed surveyor must be submitted to the building department upon completion of pile supports on the first level. For slab supported structures this shall be a “Form Board” or “As Staked” survey done prior to concrete placement. This survey shall account for the proposed outside dimensions of building(s), accounting for wall thickness, band placement, or pile cap and slab placement. Dimensions are required from all lot lines. The survey shall depict grade elevations and proposed elevations of the lowest finished floor. Assumed elevations may be used if construction does not require an elevation certificate. Further building construction shall cease until the requirements of this paragraph are met. If an elevation certificate is required in accordance with Article III it will have to be verified and amended for finished construction.”**

Section R108.3 Insert: **“For new construction, the valuation used to determine the applicable fees shall be calculated from the most current version of the Building Valuation Data published by the International Code Council.”**

EXCEPTION:
Group U Buildings

Section R108.5 Insert: **“The policy for applications and permits issued in accordance with this Code is as follows: Plans Review fees, Issuance fees, Data Processing fees and Penalties are non-refundable. Permits that expire in accordance with Section 105.5 prior to commencement of any work may, upon written request be granted a refund for the permit fee less a \$100 administration fee; no refund will be given where work for which the permit was issued has commenced.”**

Add New Section R108.5.1 REBATES

“A rebate in accordance with this section shall be given to the applicant upon application and evidence of certification of one of the listed programs. All fees must be paid in full and a Certificate of Occupancy issued for the subject property in order for the applicant to be eligible for the rebates under this Section. The rebates listed herein can be cumulative if more than one certification is obtained.

LEED Certification15%

Developed by the U.S. Green Building Council (USGBC) LEED certification provides independent, third-party verification that a home was designed and built using strategies aimed at achieving high performance in key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality.

ENERGY STAR Certification.....10%

To earn the ENERGY STAR, a home must meet strict guidelines for energy efficiency set by the U.S. Environmental Protection Agency.

IBHS FORTIFIED FOR SAFER LIVING Certification.....25%

The FORTIFIED program offers a package of "code-plus" upgrades that greatly increase a new home's resistance to natural perils, including hurricane, tornado, wildfire, flood, freezing weather, hail and earthquake, as well as to fire and interior water damage.

Section R110.4 Delete in its' entirety

Section R112 Delete in its' entirety

Section R301.2.1.2 Delete the Exception in its' entirety

Table R301.2(1) Insert

GROUND SNOW LOADS	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARD	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	130 MPH	<i>NO</i>		WEATHERING	FROST DEPTH LINE	TERMITE					
ZERO			<i>A</i>	<i>NEG</i>	12"	VERY HEAVY	29	<i>NO</i>	FIRM 07/17/2007	20	69

Section R313.2 Insert: "with an aggregate gross floor area exceeding 5000sf or a building height in stories exceeding two. For the purposes of this Section, a structure constructed on piers, pilings, shear walls or columns where the distance between the lowest horizontal supporting member and any portion of the grade or slab below the first elevated floor is 70" or greater shall be considered a story.

Section R322.1 Insert: "and in accordance with the Flood Damage Prevention Ordinance of the City of Orange Beach, Alabama."

Section N1103.2.1 Delete and Replace with: "Supply ducts or portions thereof located outside of the building thermal envelope shall be insulated to a minimum of R-6."d

- (c) The 2012 International Fire Code including Appendix Chapters A, B, C, D E, F, H, I and J as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Orange Beach, in the State of Alabama and the following sections are hereby revised:

Section 101.1: City of Orange Beach, Alabama and its Police and Planning Jurisdiction.

Section 105.6: Delete in its' entirety

Section 108: Delete in its' entirety

Section 109.3: Delete in its' entirety

Section 111.4: Delete in its' entirety

- (d) The 2012 International Mechanical Code including Appendix Chapter A, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Orange Beach, in the State of Alabama and the following sections are hereby revised:

Section 101.1. Insert: City of Orange Beach, Alabama

Section 106.5.2. Insert: Mechanical Permits require the following fees to be paid at time of issuance:

New installations.....	\$100.00 / unit
*INCLUDES ADDITIONS AND ALTERATIONS, INSTALLATION OF HEAT PUMPS, A/C UNITS REFRIDGERATION UNITS, FURNACES AND ASSOCIATED DUCT AND VENTING.	
Chillers, Boilers.....	250.00 / unit
Equipment only.....	65.00 / unit
Ductwork only.....	30.00 / unit
Commercial Hoods.....	150.00 ea.
Manufactured Buildings.....	75.00 / unit
Issuance Fee.....	25.00
Data Processing Fee.....	10.00
Work started without permit.....	2 X Permit Fee
Reinspection Fee.....	25.00

Section 106.5.3. Item (2) Insert: **Twenty-five**

Section 106.5.3 Item (3) **Delete in its' entirety**

Section 108.4. **Delete in its' entirety**

Section 108.5. Insert: **Fifty ; One hundred**

Section 109 **Delete in its' entirety**

- (e) **The 2012 International Plumbing Code** including Appendix Chapters C, E, F and G,, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the **City of Orange Beach**, in the State of **Alabama** and the following sections are hereby revised:

Section 101.1. Insert: **City of Orange Beach, Alabama**

Section 106.6.2. Insert: **Plumbing permits require the following fees to be paid at time of issuance:**

Each Fixture /Unit.....	\$ 5.00
*INCLUDES FIXTURES, APPLIANCES, EQUIPMENT, DEVICES OR DRAINS, WHICH CONNECT TO WATER SUPPLY OR WASTE LINES.	
Additional fixtures.....	5.00
Sewer (New, extension or replace).....	25.00
Repair or replace DWV.....	65.00
Repair or replace Domestic Water supply.....	65.00
Manufactured Buildings.....	75.00
Issuance Fee.....	25.00
Data Processing Fee.....	10.00
Work started without permit.....	2X Permit Fee
Reinspection Fee.....	25.00

Section 106.6.3. Item (2) Insert: **Twenty-five**

Section 106.6.3 Item (3) **Delete in its' entirety**

Section 108.4. **Delete in its' entirety**

Section 108.5. Insert: **Fifty ; One hundred**

Section 109.2.1 **Delete in its' entirety**

Section 904.1 Insert: **Six (6)**

- (f) **The 2006 International Property Maintenance Code**, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the **City of Orange Beach**, in the State of **Alabama** and the following sections are hereby revised:

Section 101.1. Insert: **The City of Orange Beach, Alabama**

Section 103.5. Insert: **Delete in its' entirety**

Section 111. **Delete in its' entirety**

Section 302.4. Insert: **twelve**

Section 304.14. **Delete in its' entirety**

Section 602.3. Insert: **November 1; February 28**

Section 602.4. Insert: **November 1, February 28**

- (g) The *2012 International Fuel Gas Code*, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the **City of Orange Beach**, in the State of **Alabama** and the following sections are hereby revised:

Section 101.1. Insert: **City of Orange Beach, Alabama**

Section 106.6.2. Insert: **Gas permits require the following fees to be paid at time of issuance:**

Natural or LP gas service.....	\$ 45.00
Per connection/fixture.....	8.00
Manufactured Buildings.....	75.00
Issuance Fee.....	25.00
Data Processing Fee.....	10.00
Work started without permit.....	2 X Permit Fee
Reinspection Fee.....	25.00

Section 106.6.3 Item 2: **Insert “fifty”**

Section 106.6.3 Item 3: **Delete in its’ entirety**

Section 108.4. **Delete in its’ entirety**

Section 108.5. Insert: **Fifty ; One hundred**

Section 109 **Delete in its’ entirety**

- (h) The *2006 International Electrical Code Administrative Provisions*, as published by the International Code Council, be and is hereby adopted as the Administrative Provisions of the Electrical Code of the **City of Orange Beach**, in the State of **Alabama** and the following sections are hereby revised:

Section 101.1. Insert: **City of Orange Beach, Alabama**

Section 404.2. Insert: **Electrical Permits require the following fees to be paid at time of issuance:**

*** Add New Service base fee to itemized fees for total permit fee.**

New Service.....Base Fee...	plus fixtures and outlets.																																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">AMPS</th> <th style="text-align: center;">FEE</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">0 – 100</td><td style="text-align: center;">50.00</td></tr> <tr><td style="text-align: center;">101-200</td><td style="text-align: center;">55.00</td></tr> <tr><td style="text-align: center;">201-400</td><td style="text-align: center;">60.00</td></tr> <tr><td style="text-align: center;">401-600</td><td style="text-align: center;">65.00</td></tr> <tr><td style="text-align: center;">601-800</td><td style="text-align: center;">70.00</td></tr> <tr><td style="text-align: center;">801-1000</td><td style="text-align: center;">75.00</td></tr> <tr><td style="text-align: center;">1001-1200</td><td style="text-align: center;">80.00</td></tr> <tr><td style="text-align: center;">1201-1400</td><td style="text-align: center;">85.00</td></tr> <tr><td style="text-align: center;">1401-2000</td><td style="text-align: center;">90.00</td></tr> <tr><td style="text-align: center;">Over 2000</td><td style="text-align: center;">100.00</td></tr> </tbody> </table>	AMPS	FEE	0 – 100	50.00	101-200	55.00	201-400	60.00	401-600	65.00	601-800	70.00	801-1000	75.00	1001-1200	80.00	1201-1400	85.00	1401-2000	90.00	Over 2000	100.00	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="text-align: center;">-10</td><td style="text-align: center;">10.00</td></tr> <tr><td style="text-align: center;">11-20</td><td style="text-align: center;">20.00</td></tr> <tr><td style="text-align: center;">21-30</td><td style="text-align: center;">30.00</td></tr> <tr><td style="text-align: center;">31-40</td><td style="text-align: center;">35.00</td></tr> <tr><td style="text-align: center;">41-50</td><td style="text-align: center;">40.00</td></tr> <tr><td style="text-align: center;">51-100</td><td style="text-align: center;">50.00</td></tr> <tr><td style="text-align: center;">OVER 100</td><td style="text-align: center;">50.00+ .30 per fixture</td></tr> </tbody> </table>	-10	10.00	11-20	20.00	21-30	30.00	31-40	35.00	41-50	40.00	51-100	50.00	OVER 100	50.00+ .30 per fixture
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31-40	35.00																																				
41-50	40.00																																				
51-100	50.00																																				
OVER 100	50.00+ .30 per fixture																																				

Swimming Pools.....	\$50.00 (bonding, pump and motor)
Dock, Piers and Boathouses	
Residential (up to 5 outlets).....	25.00
Over 5 outlets.....	35.00

Power Pedestals.....	2.00 per pedestal
Boat Lifts.....	30.00 ea.
Motors (not specified elsewhere).....	10.00 ea.
Signs.....	15.00ea.
Service equipment repair or upgrade.....	50.00 per panel or meter housing.
Manufactured Buildings.....	75.00
Issuance Fee.....	25.00
Data Processing Fee.....	10.00
Work started without permit.....	2X Permit Fee
Reinspection Fee	25.00

Chapter 11: Delete in its' entirety

- (i) The *2011 National Electrical Code (NFPA 70)*, as published by the National Fire Protection Association, be and is hereby adopted as the Electrical Code of the **City of Orange Beach**, in the State of **Alabama** and the following sections are hereby revised:

Article 210.8 (A)(3) Insert: “ **For structures located in a Special Flood Hazard Area, the required GFCI protection for these outlets shall be located in the panel.**”

Article 210.8 (A)(8) Insert: **Therequired GFCI protection for these outlets shall be located in the panel.**”

Article 210.8 (B)(4) Insert: “ **Protection required by this section for outdoor receptacles at grade level and located within the Special Flood Hazard Area shall be located within the panel.**”

Article 210.8 (C) Insert: “**for plug and cord connected hoists, the required GFCI protection shall be located in the panel.**”

Article 210.52(E) Insert: “**for structures located in a Special Flood Hazard Area, the required GFCI protection for grade level outlets shall be located in the panel.**”

Article 334 item (1) Insert: “**and townhouses constructed in accordance with the International Residential Code.**”

Article 334.10 **Delete items (2), (3), (4) and (5) in their entirety.**

Article 334.12 item (1) **delete the phrase “(2) and (3)” and insert: “and townhouses built in accordance with the International Residential Code.”**

Article 680.26 (C) (1) Insert: “**Where deck reinforcing steel is not an integral part of the pool, the deck reinforcing steel shall be bonded to other parts of the bonding grid using a minimum 8AWG solid copper conductor. Connection shall be per 680.26(D).**”

- (j) The *2012 International Energy Conservation Code*, as published by the International Code Council, be and is hereby adopted as the Energy Code of the **City of Orange Beach**, in the State of **Alabama** and the following sections are hereby revised:

Section C101.1 Insert: “**The City of Orange Beach, Alabama**”

Section C109 **Delete in its' entirety**

Section 403.1.1 **Delete in its' entirety**

Section C403.2.7 Replace the value R-8 with R-6.

Section R101.1 Insert: “**The City of Orange Beach, Alabama**”

Section R109 **Delete in its' entirety**

Section 403.2.1 Replace the value R-8 with R-6.

- (k) The 2012 *International Wildland-Urban Interface Code* including Appendix Chapters A and B as published by the International Code Council, be and is hereby adopted as the Wildland-Urban Interface Code of the **City of Orange Beach**, in the State of **Alabama** and the following sections are hereby revised:

Section 101.1 Insert: **"The City of Orange Beach, Alabama"**

Section 103.1 **Delete in its' entirety**

Section 106 **Delete in its' entirety**

Section 109.4.7 **Delete in its' entirety**

Section 302.1 **Delete in its' entirety**

Section 302.2 **Insert Wildland-Urban Interface Boundry Map.**

Chapter 5 **Delete in its' entirety**

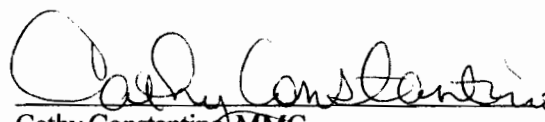
Section 602 **Delete in its' entirety**

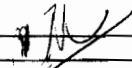
Section 2. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

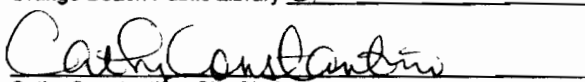
Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Orange Beach, Alabama hereby declares that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

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

Section 5. That 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 on permit applications received on and after July 1, 2012.


Cathy Constantino, MMC
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing Ordinance 2012-1145 was posted on 5-7-12 in the following three (3) public places:
Orange Beach City Hall 
Orange Beach Post Office _____
Orange Beach Public Library _____


Cathy Constantino, City Clerk

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