



ORDINANCE NO. 2010-01

AN ORDINANCE TO ADOPT VARIOUS STANDARDIZED CODES RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF BUILDING STANDARDS AS PROVIDED IN SAID CODES FOR THE CITY OF CLAY, JEFFERSON COUNTY, ALABAMA

Summary Page 1

Section I. Adopting 2009 International Building Code. Excludes the sprinkler system in garages in single family residential.

Section II. Addresses opening of sleeping area next to garage.

Section III-V. Adopting alternatives to installing sprinkler systems in garages in single family residential.

Section VI. Requires heat detector in garages with no sprinkler system.

Section VII. Sets fees for when caught working without a permit or license. Amount is double the permit fee amount, plus \$100.00 to \$500.00 depending on the number of prior occurrences.

Section VIII. Addresses when permits expire when no work has been done under that permit.

Section IX. Sets hours when work may be performed and fees for working in other times. The amount is \$100.00 to \$500.00 depending on number of prior occurrences.

Section X. Requires subcontractors list.

Section XI. Sets \$25.00 issuance fee for all new and remodeling building permits.

Section XII. Sets permit fees

- A. Single Family Residential: Sets it as \$250 base plus \$7.00 per \$1,000 of construction cost. Remodeling does not pay the \$250 base.
- B. Apartment and Townhomes: Sets it at \$250 or \$300 base, depending on contract cost amount, plus \$7.00 per \$1,000 of construction cost. Remodeling does not pay the based amount.
- C. One or Two Story Commercial or Industrial: Sets it at \$250 or \$300 base, depending on contract cost amount, plus \$7.00 per \$1,000 of construction cost. Remodeling does not pay the base amount.
- D. Three Story or More Commercial or Industrial: Sets it at \$750 base, depending on contract cost amount, plus \$7.00 per \$1,000 of construction cost. Remodeling does not pay the base amount.
- E. Demolition Permit Fee: Sets it at \$60.00.
- F. Moving a Structure: Sets it at \$110.00.
- G. Mobile Homes and Construction Trailer Permit Fee: Sets it at \$40.00.
- H. Blasting Permit Fee: Sets it at \$50.00



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AN ORDINANCE TO ADOPT VARIOUS STANDARDIZED CODES RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF BUILDING STANDARDS AS PROVIDED IN SAID CODES FOR THE CITY OF CLAY, JEFFERSON COUNTY, ALABAMA

Summary Page 2

- I. Electrical, Mechanical, Gas and Plumbing: Amount charged will be figured on permit application.
- J. Elevators: Sets it at \$50.00
- K. Lawn Sprinkler System: Sets it at \$25.00 to \$100.00, depending on type of land use
- L. Fire and Burglar Alarms: Sets it at \$25.00 to \$100.00, depending on type of land use.
- M. Cutting Streets, Sidewalks or Curbs: Sets it at \$100.00 per street, sidewalk or curb.
- N. Re-inspection Fees: Sets it at \$25.00 to \$50.00, depending on number of prior occurrences.
- O. Plan Review Fees: Sets it at \$50.00 to \$200.00, depending on type of land use and type of review.
- P. Community Investment Fee: Sets at \$100.00 to \$125.00 per residential building unit. Sets it at \$.26 per square foot for commercial and industrial. Amount increased by \$100.00 per year on residential development, with a cap of \$800.00.

Section IX. Repealer

Section IVX Severability

Section XV Effective Date



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AN ORDINANCE TO ADOPT VARIOUS STANDARDIZED CODES RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF BUILDING STANDARDS AS PROVIDED IN SAID CODES FOR THE CITY OF CLAY, JEFFERSON COUNTY, ALABAMA

WHEREAS, it is the desire of the City of Clay, Alabama to adopt; in all respects, the various Standardized Codes relating to amusement devices, buildings, fire prevention, gas, electrical, housing, mechanical, plumbing and swimming pools; and

WHEREAS, the adoption of these Codes is done to facilitate proper inspection activities by the City of Clay, Alabama relating to the public safety, health and general welfare; and

WHEREAS, the adoption of this ordinance is done to facilitate proper and adequate fire protection for residential construction in the City of Clay;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF CLAY, Alabama that the following Codes, fee schedules and all other listed requirements herein are adopted.

Section I Adoption of 2009 International Residential Code

The following Codes by reference apply as though they were copied herein:

International Building Code—2009 Edition, except Section 903.2.8*
International Residential Code—2009 Edition, except Section 313.2*
International Existing Building Code—2009 Edition
International Fire Code—2009 Edition, except Section 903.2.8*
International Fuel Gas Code—2009 Edition
International Mechanical Code—2009 Edition
International Plumbing Code—2009 Edition
International Property Maintenance Code—2009 Edition
NEC / NFPA 70 National Electric Code—2008 Edition
NFPA 101 Life Safety Code—2009 edition, except for Section 24.3.5.2*

* Single Family dwellings, three stories or less, are exempt from providing automatic sprinkler systems. See Sections II-VI for City of Clay Single Family residential construction fire protection requirements.

Section II Garage Opening Protection

Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. All openings between the garage and residence shall be equipped with a UL listed 20 minute fire rated door.

Section III Separation Required

The garage shall be separated from the residence and its attic area by not less than 5/8 inch (15.9 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8 inch (15.9 mm) Type X gypsum board or



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equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8 inch (15.9 mm) gypsum board or equivalent.

Section IV Garage Fire Suppression System

This section allows for an alternative to Section III of this ordinance.

- A. The system must be designed and installed by a licensed fire sprinkler contractor.
- B. Minimum 3/4 inch domestic water line for sprinkler demand with a 1 inch domestic line preferred.
- C. A wall with not less than 5/8 inch gypsum board shall be built between the garage area and any finished or unfinished basement area which is not protected by the garage fire suppression system. Any doors in this separation wall shall have a UL listed, 20 Minute Fire Rating.
- D. For full unfinished basements with garage doors present, but without a separation wall (as required in Section IV.C of this ordinance), installing an automatic sprinkler system throughout the entire basement is required. A UL listed, 20 Minute Fire Rated Door separating the basement from the living area is required.
- E. Required Alarm Notification
 1. Flow switch and tamper valves must be tied to an electronic bell to alert resident of a water flow situation or that the supervised valve is turned off. The alarm bell must be mounted in the living area of the house, and in an area where the bell will not be obstructed or allow to have storage to hinder its function.
 2. In the event a home security alarm is installed in the house, the flow and tamper switches may be tied into the alarm system to audibly alert residents, so long as the alarm is located in the living area.
- F. Fire Suppression System Components
 1. Supply piping to fire suppression system must be a minimum of 1 inch schedule 40 black pipe with sprinkler head spaced no greater than 14 feet apart on branch lines and no more than 7 feet from any wall (maximum of 144 sq. ft.). PEX and other piping material may be used if it is UL listed for Fire Sprinkler System Distribution, and a copy of the UL listed is supplied to the Fire Marshal's office during the design process.
 2. Sprinkler heads must be "quick response" (155 degrees), standard spray with 1/2 inch threaded and minimum of 3/8 inch orifice size. Upright heads are recommended with deflector no more than 4 inches below bottom of ceiling joists. Pendant heads may be used in areas where horizontal obstructions dictate and located with deflectors just under obstruction.



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3. Floor area beneath “open” garage doors must be protected. Residential side wall heads are to be mounted no more than 2 inches below the bottom plane of the garage doors in the open position.
4. Fire protection system riser must be tied to the domestic water system “upstream” from the pressure reducing valve. All valves controlling water to the fire suppression system must be supervised; this includes valves that turn off the water to the entire house. This does not include the valve pit at the street.

G. Inspection for Compliance

The Building Contractor or Sprinkler Contractor shall notify the City of Clay Inspections Department when the “entire” system and all other fire codes and ordinances are complete, and are ready to be tested and inspected. The Fire Marshal, or his designated representative, will check for proper system components, alarm location and head placement.

Section V Drop-in Fire Rated Ceiling Assembly

This section allows for an alternative to Section III of this ordinance.

- A. A UL approved drop-in ceiling assembly (grid, hangers, lights, etc.) related for one hour fire resistance may be used as an alternative to Section III.
- B. An inspection for compliance shall be done by the City of Clay Inspections Department at the rough-in stage and after installation is completed.
- C. A wall with not less than 5/8 inch gypsum board shall be built between the garage area and any finished or unfinished basement area. Any doors in this separation wall shall have a UL listing for 20 minute fire rating.

Section VI Detection Devices

- A. A heat or smoke detector shall be placed in all garage areas that are not equipped with an automatic fire sprinkler system. The contractor should verify that the normal operating temperatures for the device chosen is appropriate for the seasonal temperatures of the location where installed. This section does not pertain to basements.
- B. A heat sensor must be placed in each kitchen and each laundry room.

Section VII Work without a Permit and / Proper Licensing

- A. Where any construction work is started or proceeded prior to obtaining the required permit and / or license, the fees herein shall be doubled, but the payment of such double fee shall not relieve



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any persons from fully complying with requirements in the execution of the work nor from any other penalties prescribed herein.

B. After one double permit and / or license fee has been issued to any person or company and such person or company begins work on any other project for which a permit is required without first obtaining a permit and / or license the following charges will apply:

- First Time..... Double Permit and / or License
- Second Time..... \$100 plus Double Permit and / or License
- Third Time..... \$250 plus Double Permit and / or License
- Fourth Time..... \$500 plus double Permit and / or License
- Fifth Time..... \$500 plus double Permit and / or License plus revocation of business license.

C. When a person or company has no permit violations for a period of one year after the last offense, the next violation shall be considered a first offense.

Section VIII Expiration of Building Permits

Any and all permits shall expire when no construction work has been performed under such permit within six months from the date of issuance, or where work authorized by such permit is suspended or abandoned for a period of six months after the time the permit was issued. Upon re-application to the Building Official, the permit may be renewed, subject to the provisions of all ordinances in force at the time of said renewal. In no event shall any permit be renewed more than one time.

Section IX Hours Work may be Performed

Exterior work authorized under these permits shall be performed only between the hours of 6:00 a.m. and 9:00 p.m., Monday through Saturday and 9:00 a.m. and 6:00 p.m. on Sunday. Persons or companies caught performing work during other times will be subject to the following charges:

- First Time \$100
- Second Time \$200
- Third Time \$250
- Fourth Time \$500
- Fifth Time \$500 plus revocation of business license

Section X Sub-contractors List

The primary contractor or builder is responsible for providing an updated sub-contractors listing to the Building Inspector's or City Clerk's Office within 15-days of issuance of the building permit. During the construction phase process, if any changes or modifications to the sub-contractors listing are made, it shall be the responsibility of the contractor, builder, or person issued the original permit



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to submit a revised listing to the Building Inspector or City Clerk's Office prior to ordering the final inspection.

Section XI Issuance Fee

All residential, apartment, commercial, industrial and institutional construction permits will be assessed an issuance fee of \$25.00 plus permit fees. This applies to all permits in this ordinance described in Section XII.A, Section XII.B, Section XII.C, and Section XII.D.

Section XII Permit Fees, Other Fees and Other Construction Requirements

A. Single Family Residential Construction Permit Fee

1. **New Construction:** The construction cost is the appraised value or \$80.00 per square foot of heated or livable area as shown on the building plans, whichever is greater. Using this figure, the permit shall be \$250 base for each residential unit plus \$7.00 per \$1,000 of construction cost or a fraction thereof.
2. **Miscellaneous Construction:** Alterations and repairs to the main structure, accessory building or structures including, but not limited to, garages, swimming pools, fences, walls, and other such structures shall be based upon the cost reflected in the executed contract document. A copy of the executed contract document will be required to obtain a permit. Where the owner has separately purchased the materials and the contract is for construction, erection, or installation only, the material costs shall be added to the amount of the contract or cost of labor to form a total construction cost. Using this figure, the permit fee shall be \$7.00 per \$1,000 of construction cost or a fraction thereof. The minimum miscellaneous permit fee will be \$30.00.

B. Apartment / Townhome Construction Permit Fee

1. **New Construction:** Where the construction contract cost is \$100,000 or less in value, the permit fee shall be \$250 base per residential unit plus \$7.00 per \$1,000 of the contract cost. Where the contract cost is over \$100,000 in value, the permit shall be \$300.00 base per residential unit plus \$7.00 per \$1,000 of contract cost. A copy of the executed contract document will be required to obtain a permit.
2. **Miscellaneous Construction:** For repairs, alterations and renovations, the permit fee shall be \$7.00 per \$1,000 of contract construction cost. A copy of the executed contract document will be required to obtain a permit. (See Section XII.A.2 to figure the construction cost of repairs, alterations and renovations when the owner or owner's employee is doing the work.) The minimum miscellaneous permit fee will be \$30.00.

C. One or Two Story Commercial, Industrial, and Institutional Construction Permit Fee



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1. New Construction: Where the construction contract cost is \$100,000 or less in value, the permit fee shall be \$250.00 base per structure plus \$7.00 per \$1,000 of contract cost or fraction thereof. Where the construction contract cost is over \$100,000 in value, the permit fee shall be \$300.00 base per structure plus \$7.00 per \$1,000 of contract cost. A copy of the executed contract document will be required to obtain a permit.
2. Miscellaneous Construction: For repairs, alterations and renovations, the permit fee shall be \$7.00 per \$1,000 of construction cost. A copy of the executed contract document will be required to obtain a permit. (See Section XII.A.2 to figure the construction cost of repairs, alterations and renovations when the owner or owner's employee is doing the work.) The minimum miscellaneous permit fee will be \$30.00.

D. Three Story or More Commercial, Industrial, and Institutional Construction Permit Fee

1. New Construction: Where work involves multi-story construction over two stories, the permit fee shall be \$750 base per structure plus \$7.00 per \$1,000 of construction contract cost or fraction thereof. A copy of the executed contract document will be required to obtain a permit.
2. Miscellaneous Construction: For repairs, alterations and renovations, the permit fee shall be \$7.00 per \$1,000 of construction cost. (See Section XII.A.2 to figure the construction cost of repairs, alterations and renovations when the owner or owner's employee is doing the work.) A copy of the executed contract document will be required to obtain a permit.

E. Demolition Permit Fee: \$60.00

1. A \$5,000 performance bond is required with each demolition permit.
2. Proof of compliance with Health Department regulations for proper abandonment of any septic tank shall be required, when applicable, or sanitary sewers capped, and all utility service shall be disconnected prior to commencement of demolition.

F. Moving of Building or Structure Permit Fee, not Including Mobile Homes: \$110.00

G. Mobile Homes and Construction Trailers Permit Fee: \$40.00

This permit fee is for mobile homes, house trailers or construction trailers moved into a mobile home park, onto private property or onto a construction site.

H. Blasting Permit Fee:

1. A fee of \$50.00 shall be charged for each blasting permit issued.
2. Each person filing an application for a blasting permit shall, before such permit is issued, provide a copy of the blasting permit from the local fire department having jurisdiction within the city limits of Clay and furnish the City a certificate of current insurance coverage which must be in the following amounts:



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Bodily Injury	\$5,000,000.00 minimum for each accident;
Property Damage (aggregate)	\$5,000,000.00 applicable to the proposed work in the city.

The City of Clay must be listed as an additional insured on the policy.

I. Electrical, Gas, Mechanical, Plumbing Permit Fees:

1. Before a permit can be issued, all electricians, plumbers, gas fitters and mechanical contractors shall present a master certificate of competency from a duly authorized agency and shall have a current City of Clay business license.
2. Fees on each separate application for said permit shall apply according to the permit application. The minimum permit fee for electrical, gas, mechanical and plumbing shall be \$30.00.

J. Permit Fees for Elevators: \$50.00

K. Irrigation / Lawn Sprinkler System Permit Fees:

Single Family Residential / Garden Homes	\$25.00
Townhomes	\$25.00 per building
Apartments / Condominiums / Duplex	\$50.00 per building
Commercial / Non-residential	\$100.00 per building

A backflow preventer for any sprinkler system must be installed for residential and non-residential properties.

L. Fire and Burglar Alarm System (Low Voltage) Permit Fees:

Single Family Residential / Garden Homes	\$25.00
Townhomes	\$25.00 per building
Apartments / Condominiums / Duplex	\$50.00 per building
Commercial / Non-residential	\$100.00 per building

M. Street, Curb or Sidewalk Cutting Permit Fee

1. A fee of \$100.00 shall be charged for each street, curb, or sidewalk cutting permit issued.
2. Each person filing application for a permit to cut a street in the City shall, before each permit is issued, furnish the City a certificate of current insurance or some other form of security in a minimum amount of \$10,000 applicable to the proposed work in the City. All street cutting shall comply with specifications furnished by the City. These permit fees only apply to existing streets dedicated to the City and will not apply to new subdivisions owned by developers.

N. Re-Inspection Fees Applicable to all Permits Issued

1. Re-inspection fees shall apply to all types of permits when necessitated by faulty materials,



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equipment, apparatus, workmanship, or unnecessary calls where work is not ready for inspection when the inspector arrives. Re-inspection fees are as follows:

First Re-inspection on each jobsite	\$25.00
Second Re-inspection on each jobsite	\$30.00
All Additional Re-inspections on each jobsite	\$50.00

2. All inspection fees must be paid before a certificate of occupancy will be issued.

O. Plan Review Fee:

The plan review fees specified in this section are separate fees from the permit fees unless otherwise noted. Plan review fees are for staff review of the design of the proposed construction to ensure all City Code requirements are met. The fees are as follows:

One- and two- family buildings (duplex / townhomes / garden homes)	\$200.00
Multi-family buildings (apartments)	\$200.00
Commercial plan review (includes fire alarm & sprinkler plan reviews)	\$200.00
Fire Marshall Life Safety Code review	\$50.00
Any other plats: commercial, multi-family and / or any other Fire Code review deemed necessary by building inspector or city official	\$50.00

If plan review by outside consultant is deemed necessary by building inspector, the cost shall be paid by the applicant or owner, etc.

P. Community Investment Fee:

This fee is not charged for additions on existing structures.

1. Subdivisions

When a new residential, commercial or industrial subdivision is started, the developer must pay a Community Investment Fee at the time the Final Subdivision Plat is submitted for approval. If there is no developer, the builder will be considered the developer and must pay the Community Investment Fee when building permits are obtained. The amount of the Community Investment fee shall be determined by the following schedule:

Residential (per dwelling unit)	\$100.00
Residential multi-family (per dwelling unit)	\$125.00
Commercial building (per sq. ft. gross area)	\$.26
Industrial Building (per sq. ft. gross area)	\$.26

If construction work has not commenced on any single family residential houses, then the Community Investment Fee shall increase by \$100.00 per dwelling unit on each anniversary date of the Final Subdivision Plat approval until a cap of \$800.00 is reached.

2. Pre-existing Lots



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When a new commercial or industrial structure is planned for any existing lot or lots, the developer must pay the Community Investment Fee. If there is no developer, the builder will be considered the developer and must pay the Community Investment Fee when building permits are obtained. The amount of the Community Investment Fee shall be determined by the following schedule:

Commercial building (per sq. ft. gross area)	\$.26
Industrial Building (per sq. ft. gross area)	\$.26

A Community Investment Fee is not charged on pre-existing residential lots.

Section XIII Repealer

All ordinances or part of ordinances heretofore adopted by the City Council of the City of Clay, Alabama which are inconsistent with the provisions of this ordinance are hereby expressly repealed.

Section IVX Severability

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continued in full force and effect notwithstanding such holding.

Section XV Effective Date

This ordinance shall take effect and be in force after its passage and publication as required by law.

ADOPTED AND APPROVED this 19 day of January , 2010

Ed McGuffie, Mayor

Bob Christmas, City Clerk