

## **Ordinance No. 1935**

An ordinance to adopt a Building, Residential, and Property Maintenance Code prescribing minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities 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; known as the International Building, Residential, and Property Maintenance Code in the corporate limits and police jurisdiction of the City of Prichard, Alabama providing for the enforcement of said regulations, and prescribing penalties for the violation thereof.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY of Prichard, ALABAMA:**

**Section 1.** Pursuant to the authority granted to the cities and towns of Alabama by Section 11-45-8 of the Code of Alabama, 1975, as amended, there is hereby adopted by the City Council of Prichard, Alabama, for the purpose of prescribing regulations governing the construction, erection, alteration or improvement of buildings, or such other regulations as the case may be all of that certain code printed in pamphlet form known as the 2000 International Building Code, the 2003 Edition of the Property Maintenance Code, and the 2000 Edition of the International Residential Code published by the International Code Council Inc., March 2000 save and except such portions as are hereinafter deleted, modified, or amended, of which code not less than three (3) copies have been and now are filed in the office of the City Clerk of the City of Prichard and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits and police jurisdiction of the City of Prichard and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits and police jurisdiction of the City of Prichard, Alabama.

**Section 2.** The code hereby adopted is amended and changed in the following respects:

### **Section 3. Penalties**

Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall severally, for each and every violation and noncompliance respectively, be guilty of a misdemeanor punishable by fine not exceeding \$500 or by imprisonment for not less than 180 days, or by both such fines and imprisonment. The imposition of one penalty for violation shall not excuse the violation or permit it to continue. The application of the penalty shall not be held to prevent enforced removal of prohibited conditions.

**Section 4.** All former ordinances or parts thereof conflicting or inconsistent with provisions of this ordinance or the code hereby adopted are hereby repealed.

**Section 5.** Should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance and the code hereby adopted independent of the elimination therefrom or any such portion that may be declared invalid.

**Section 6.** A copy of this ordinance shall be published pursuant and according to law after its adoption, but it shall not be necessary for the said 2000 International Residential, Building, or Property Maintenance Code to be published in a newspaper, nor shall the same be read at length upon the Minutes of this Council, but this ordinance shall be recorded in said Minutes.

**Section 7.** This ordinance and the code hereby adopted shall take effect and be in force immediately upon its adoption and publication as required by law.

**Section 8.** The International Residential, Building, and Property Maintenance Code shall be amended as follows:

## APPEALS to City Council

### SECTION B101 GENERAL

**B101.1 Application.** The application for appeal shall be filed on a form obtained from the building official within 20 days after the notice was served.

**B101.2 Membership.** The duly elected members of the City Council shall hear all appeals.

The building official shall be an ex officio member of said City Council for purposes of appeal hearings only but shall not vote on any matter before the board.

**B101.2.3 Rules and procedures.** The City Council is authorized to establish policies and procedures necessary to carry out its duties.

**B101.2.4 Chairperson.** The City Council shall annually select one of its members to serve as chairperson.

**B101.2.5 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional, or financial interest.

**B101.2.6 Secretary.** The chairperson officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chairperson.

**B101.2.7 Compensation of members.** Compensation of members shall be determined by law.

**B101.3 Notice of meeting.** The board shall meet upon notice from the chairperson, within ten days of the filing of an appeal or at stated periodic meetings.

**B101.3.1 Open hearing.** All hearing before the Council shall be open to the public. The appellant's representative, the building official

and any person whose interests are affected shall be given an opportunity to be heard.

**B101.3.2 Procedure.** The board shall adopt and make available to the public through the secretary procedures shall not require compliance with strict rules of evidence, but shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**B101.3.3 Postponed hearing.** When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**B101.4 Council decision.** The City Council shall modify or reverse the decision of the building official by a concurring vote of two-thirds of its members.

**B101.4.1 Resolution.** The decision of the City Council shall be by resolution. Certified copies shall be furnished to the appellant and to the building official.

**B101.4.2 Administration.** The building official shall take immediate action in accordance with the decisions to the appellant and to the building official.

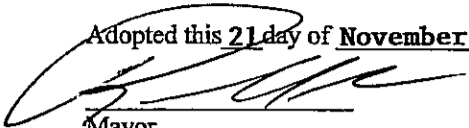
### SECTION 1706 QUALITY ASSURANCE FOR WIND REQUIREMENTS

**1706.1 Scope.** A quality assurance plan shall be provided in accordance with Section 1706.1.1.

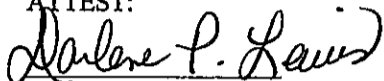
**1706.1.1 When required.** A quality assurance plan for wind requirements shall be provided for all structures constructed in the following areas:

1. In wind exposure categories A and B, where the 3-second-gust basic wind speed is 125 mph or greater.
2. In wind exposure categories C and D, where the 3-second-gust basic wind speed is 125 mph or greater.

Adopted this 21 day of November 20 05.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
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City Clerk