

The Saraland City Council met in regular session on May 20, 2019 at the Saraland Municipal Annex. The meeting was called to order at 6:40 p.m. by Council President McDonald. Roll call was as follows:

Present: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson
Councilmember Paul Stanley

Attorney, Andy Rutens was present.

Councilmember Biggs opened the meeting with prayer.

Motion was made by Councilmember Cromer, seconded by Councilmember Stanley to authorize payment of final estimate #7 for the First Avenue and James Street Sidewalk Project payable to James Adams & Son. Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Stanley, to authorize the Mayor to sign the MS4 permit. Motion carried.

Motion was made by Councilman Biggs, seconded by Hudson to amend the 2018-2019 fiscal budget to dedicate SSUT tax funds received from the state to expenditures budgeted for the Department of Public Safety. After discussion and vote, the motion carried.

APPROVAL OF MINUTES

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to approve the minutes of the meetings of May 4, 2019. Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Biggs to adopt a resolution to oppose HB598. Motion carried.

RESOLUTION 2076

A RESOLUTION OPPOSING HOUSE BILL 598 WHICH TAKES SIMPLIFIED SELLER'S USE TAX PROCEEDS PREVIOUSLY DEDICATED FOR RECEIPT BY MUNICIPALITIES AND DIVERTS THOSE PROCEEDS TO THE 13TH JUDICIAL CIRCUIT COURT

WHEREAS, the City of Saraland, Alabama receives a significant amount of their revenue from sales and use tax proceeds; and

WHEREAS, the advent of internet sales through businesses including Amazon.com and Walmart.com proved to be a challenge to collect and, as such, represented a competitive

advantage for large retailers and sellers at the expense of local small businesses, retailers and producers; and

WHEREAS, the City of Saraland, as well as the Alabama League of Municipalities and many other municipalities within the State worked with the Alabama legislature to develop what was ultimately adopted as the Simplified Seller's Use Tax, which sought to provide municipalities with sales and use tax revenues that had gone uncollected due to the sellers and producers being out of state; this also served to even the playing field for local businesses, retailers and producers who collected and remitted the appropriate taxes even though their customers paid more to buy local as opposed to large national internet retailers who shirked their responsibility to collect such taxes; and

WHEREAS, the City of Saraland benefits from its involvement in the Simplified Seller's Use Tax in the form of receipt and tax revenue in excess of \$100,000.00, which helps fund vital and important municipal efforts including police and fire protection for the citizens of the City; and

WHEREAS, certain members of the Mobile County legislative delegation have introduced House Bill 598 which requires municipalities in Mobile County to contribute a significant portion of their share of the Simplified Seller's Use Tax to the 13th Judicial Circuit Court; and

WHEREAS, prior to the adoption and approval of House Bill 598 by the members of the local delegation in Montgomery, no member of the City of Saraland government had been contacted to determine what impact the legislature's diversion of revenue from the municipal treasury would have on the City's operation; and

WHEREAS, the initial adoption of the Simplified Seller's Use Tax was the result of negotiations and collaborations between the State and municipal entities and was agreed upon and supported based upon the promises, representations and agreements concerning a fair distribution of internet sales tax; and

WHEREAS, the State has unilaterally decided to change that agreement by the proposed adoption of House Bill 598.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Saraland, Alabama (the "City"), that House Bill 598 represents a wrongful attempt to divert municipal income, which will have a significant impact upon the City's operations, including those of police and fire; and

BE IT FURTHER RESOLVED by the City Council of the City of Saraland, Alabama, that House Bill 598 should be defeated and not allowed to take effect since it would have a significant impact upon municipal operations; and

BE IT FURTHER RESOLVED by the City Council of the City of Saraland, Alabama, that the diversion and redistribution of municipal revenue as proposed by House Bill 598 should not be used as a compulsory method to require the City to fulfill the State's duty to adequately fund the 13th Judicial Circuit Court for Mobile County, Alabama.

ADOPTED this 20th day of May, 2019.

APPROVAL OF INVOICES

Motion was made by Councilmember Hudson, seconded by Councilmember Biggs to approve the following invoices for the General Fund.

General Fund

- | | |
|---|------------|
| 1. Neel-Schaffer – General Consulting | \$5,072.50 |
| 2. Volkert, Inc. – 2019 MS4 Stormwater Permit | \$2,795.00 |
| 3. Volkert, Inc. – General Engineering Services | \$600.00 |

Motion carried.

Motion was made by Councilmember Hudson, seconded by Councilmember Cromer to approve the following invoices for the 2018 General Obligation Warrant.

2018 General Obligation Warrant

- | | |
|--|--------------|
| 1. S. C. Stagner, Inc. – Splash Pad Estimate No. 3 | \$127,669.19 |
| 2. Neel-Schaffer – Construction Estimate No. 3 | \$11,085.99 |

Motion carried.

ORDERS, RESOLUTIONS, ORDINANCES & OTHER BUSINESS

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE ADOPTION OF THE 2015 International Building Code, 2014 National Electrical Code, 2015 International Residential Code, 2015 International Existing Building Code, 2015 International Plumbing Code, 2015 International Mechanical Code & 2015 International Property Maintenance Code

Council President McDonald declared the public hearing open to consider the adoption of the 2015 International Building Code, 2014 National Electrical Code, 2015 International Residential Code, 2015 International Existing Building Code, 2015 International Plumbing Code, 2015 International Mechanical Code & 2015 International Property Maintenance Code

No one was present in opposition.

The public hearing was declared closed.

Councilmember Biggs introduced the ordinance adopting the 2015 International Building Code.

ORDINANCE 1137**AN ORDINANCE TO ADOPT A BUILDING CODE
FOR THE CITY OF SARALAND**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SARALAND, ALABAMA.
As follows:

SECTION ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2015 Edition of the International Building Code and Appendices, along with the amendments to the same contained in this ordinance, which has been on file in the office of the City Clerk of the City of Saraland, Alabama, pursuant to a resolution adopted by the City Council of the City of Saraland, Alabama, on May 21, 2019, is hereby adopted as "The Building Code of the City of Saraland."

SECTION TWO: Published Ordinance. A copy of this ordinance will be published pursuant and according to law, after its adoption, but it will not be necessary for the said 2015 International Building Code to be published in a newspaper, nor shall the same be spread at length upon the Minutes of this Council, but this ordinance shall be recorded in said Minutes.

SECTION THREE: Effective Date. The said 2015 International Building Code will be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Saraland in conflict are hereby repealed.

SECTION FOUR: Contractors Criteria and Qualifications.

Contractor Responsibilities. It is the duty of every contractor who makes contracts for the construction, installation, repair or modifications of buildings, for which a permit is required, to be properly licensed and bonded in accordance with all the City of Saraland and State of Alabama requirements. The contractor is required to register his/her name in a register with the Building Official in a book provided for that purpose. This book will record the full name, residence and place of business and it will be the contractor's responsibility to notify the City of Saraland of any changes.

SECTION FIVE: Surety Bond. In addition to the requirements as set forth herein, it shall be the duty of every builder, contractor and sub-contractor to provide and have on file a current License and Permit Bond for \$10,000. The bond is subject to the approval of City of Saraland Legal Department and shall be provided by a surety company qualified to do business in the State of Alabama.

Such bond shall insure that the licensee complies with laws, ordinances and building regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the building business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

SECTION SIX: Criteria for Owners to Obtain Permits. For the purpose of this code, an owner physically doing the work themselves may be issued a permit upon the Building Official's satisfaction that the owner is competent to perform the work for which the permit is requested and completion of a Building Affidavit. Any individual other than the owner doing the work on the property is considered a contractor and shall meet the requirements of a contractor and shall comply with all applicable laws, codes and ordinances. All inspection criteria shall be the same as for contractors in section 110. All other properties will be considered as commercial and subject to Section Four in this Ordinance

SECTION SEVEN: Vehicular Signs. All trucks and similar vehicles used by contractors and sub-contractors shall have signs on both sides of the body of said vehicle indicating the full name, address, and telephone number of the firm to which it belongs. Lettering may be any color in contrast to the color of the body, but letters identifying the firm name must be at least 1 ½ inches high.

SECTION EIGHT: Chapter 1 of the 2015 International Building Code shall be amended as follows:

SECTION 101 GENERAL. Amend as follows:

101.1 Title. Amend "to read as follows". These regulations shall be known as the Building Code for the City of Saraland, hereinafter referred to as "this code" or "the Technical Codes."

101.2 Scope by adding Paragraph 3 to Exceptions as follows

Section 101.2. Amend as follows:

3. Historic structures designated by the state or local jurisdiction as historic buildings, including those listed on the Alabama Register of Landmark and Heritage or in the National Register of Historic Places including existing buildings undergoing repair, alteration or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.

101.2.1 Appendices. Amend as follows: "The following appendices shall be adopted:"

- C – Group U – Agricultural Buildings
- E – Supplementary Accessibility Requirements
- F – Rodent Proofing
- G -Flood-Resistant Construction
- I – Patio Covers
- J –Grading

101.4 Referenced codes. Amend as follows:

101.4.1 Gas. Delete in its entirety.

101.4.6 Energy. Add as follows:

101.4.6 Energy. Where referenced, the International Energy Conservation Code shall be the energy code adopted and enforced by the state of Alabama.

101.4.7 International Existing Building Code. Add as follows:

101.4.7 International Existing Building Code. The provisions of the **2015 International Existing Building Code** and adopted ordinances shall apply to existing buildings undergoing repairs, alteration, and change of occupancy shall be permitted.

101.4.8 National Electrical Code. Add as follows:

101.4.8 National Electrical Code. The provisions of the **2014 National Electrical Code** and adopted ordinances shall apply to new construction, existing buildings undergoing repairs, alteration, and change of occupancy shall be permitted.

SECTION 105 PERMITS. Amend as follows:

105.1.1 Annual permit. Delete “in its entirety”.

105.1.2 Annual permit records. Delete “in its entirety”.

105.2 Work exempt from permit. Delete sub-paragraph 2, 12 under “Building”.

105.3 Application for permit. Add sub-paragraph 8 and 9 as follows:

8. Applicant must provide proper identification.
9. Applicant must verify ownership of property.

SECTION 107 SUBMITTAL DOCUMENTS. Amend as follows:

107.3.4.1.2 Work exempt from requirements of registered design professional. Add as follows:

107.3.4.1.2 Work exempt from requirements of registered design professional. All drawings, specifications, and accompanying data shall bear the name and address of the registered design professional. The registered design professional shall affix his/her official seal to said drawings, specifications and accompanying data for the erection, enlargement or alteration of any building. The provisions of this code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority.

The registered design professional shall provide the Building Official a letter stating that he/she is the design professional in responsible charge on each project. The services of a registered

design professional shall be required on all buildings except those herein exempted and no official of the city herein charged with the enforcement of laws, ordinances or regulations relating to the construction or alteration of buildings shall accept or approve any plans or specifications that are not so prepared. Upon completion of construction and prior to the issuance of a certificate of Occupancy the registered design professional shall submit to the building official a letter of certificate of substantial completion.

Exceptions:

1. Exemptions shall be in accordance with code of Alabama 1975, Title 34, Chapter 2, Alabama Board of Architects Registration Act Rules and Regulation.
2. Exemption shall be in accordance with code of Alabama 1975, Title 34, Chapter 11, and Alabama Board of Licensure for professional Engineers and professional Land Surveyors.

SECTION 109 FEES. Amend as follows:

109.2 Schedule of permit fees. "To read as follows". On all buildings, structures, electrical, plumbing and mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedule as established by the City of Saraland and adopted in a separate ordinance.

SECTION 110 INSPECTIONS. Amend as follows:

110.3.7 Energy efficiency inspections. Delete in its entirety.

SECTION 111 CERTIFICATE OF OCCUPANCY. Amend as follows:

111.2 Certificate Issued "to read as follows". After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, and a final report of special inspections has been submitted, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. Any special stipulation and conditions of the building permit.

111.2.1 Certificate of Shell Completion. After the Building Official inspects the building or structure and finds no violations of this code or other laws that are enforced, the Building Official shall issue a certificate of completion for a shell building.

SECTION 113 BOARD OF APPEALS. "To read as follows".

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Construction Board of Appeals, hereafter referred to as "the Board of Appeals".

113.2 Membership of the Board. The board of appeals shall be composed of the members of the Saraland Board of Adjustments as it is presently constituted and as it shall from time to time hereafter be constituted. The appointments, membership, terms, procedures and powers shall be defined by the bylaws of the Saraland Board of Adjustments and Section 21 of the Land Use and Development Ordinance (Ordinance 757) for the City of Saraland.

113.3 Administration. The building official for the Board of Appeals shall be defined as the code official having jurisdiction over each of the applicable codes adopted in separate ordinances by the City of Saraland. The building official shall take immediate action in accordance with the decision of the board.

SECTION 114 VIOLATIONS. Amend as follows:

114.1 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, in accordance with the applicable sections of the Saraland City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(a) Violation of the provisions of this code shall be subject to \$200.00 fine unless otherwise listed below:

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| 1. Occupying a commercial building without a Certificate of Occupancy | \$250.00 |
| 2. Working without proper license and certifications | \$250.00 |
| 3. Occupying a residential building without a Certificate of Occupancy | \$250.00 |
| 4. Signage on all vehicles used by contractor | \$250.00 |
| 5. Interference with code official | \$500.00 |

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT. "To read as follows".

116.3 Notice. All buildings or structures which are unsafe, unsanitary, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contempt of this Section, Unsafe Structures and Equipment. All such unsafe buildings are hereby declared illegal

and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

1. Whenever the Building Official shall find any building or structure or portion thereof to be unsafe, as defined in this Section, he shall, in accordance with established procedure for legal notice, as required by Alabama Act 140, 1971, as amended by Act 581, 1973, give the mortgagee(s), regulatory boards, the person last assessing the property for state taxes, and the owner, agent, or person in control of such building or structure written notice setting forth the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building or structure or portion hereof.
2. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not re-occupied until the specified repairs and improvements are completed, inspected and approved by the Building Official. The Building Official shall cause to be posted at each entrance to such building a notice stating: **THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.** Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents, or other servants, to remove such notice without written permission of the Building Official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.
3. The mortgagee(s), regulatory boards, last person assessing for state taxation, and if other than those listed, the owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the Building Official, as provided hereinafter, and to appear before the Board of Adjustment and Appeals at a specified time and place to show cause why he should not comply with said notice.
4. In case the mortgagee(s), regulatory boards, last person assessing for state taxation, and the owner, agent or person in control cannot be found within the stated time limit, or, if such owner, agent or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the Building Official, after having ascertained the cost, shall cause such building or structure or portion thereof, to be secured or required to remain vacant in accord with Section 102.4.a.1, and/or demolished in accord with Alabama Act 140, 1971.
5. The decision of the Building Official shall be final in cases of emergency, which, in his/her opinion, involve imminent danger to human life or health. He shall promptly cause such building, structure or portion thereof to be made safe or cause its removal. For this purpose, he may at once enter such structure or land on which it stands, or abutting land or structures, with assistance and at such cost as he may deem necessary. He may order the vacation of adjacent structures and may require the protection of the public by appropriate fence or such other means as may be necessary and for this purpose may close a public or private way.

6. Costs included under Paragraphs 103.4(a) and 103.4(a) (5) of Alabama Act 140, 1971 shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

7. The provisions of this code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction of any power or authority.

SECTION NINE: Chapter 2 of the 2015 International Building Code shall be amended as follows:

CHAPTER 2, DEFINITIONS. Add as follows:

FLOOD HAZARD AREA. The area designed as a flood hazard area in accordance with the Storm Water Ordinance adopted and administered by the City of Saraland.

HISTORIC BUILDING. Any building or structure that is listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic Places; designated as a historic property under local or state designation; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed in the Alabama Register or the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

SECTION TEN: Chapter 3 of the 2015 International Building Code shall be amended as follows:

CHAPTER 3, Use and Occupancy Classification. Amend as follows:

Section 309 Mercantile Group M and add 309.1. Add as follows:

309.1 Exceptions. A facility such as above may be classified as Group B (Business) Occupancy when all of the following conditions are met:

1. Meets requirements of small quantity of goods and merchandise available for sale.
2. Occupancy load is 50 persons or less.
3. Meets all life safety requirements for Group B Occupancy.
4. The facility is existing and no building shall be greater than 2500 square feet.

SECTION ELEVEN: Chapter 16 of the 2015 International Building Code shall be amended as follows:

1612.3 Establishment of Special Flood Hazard areas. Add as follows:

1612.3 Establishment of Special Flood Hazard Areas. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in the most current adopted Flood Insurance Study entitled “The Flood Insurance Study for Mobile County, Alabama and incorporated areas”, as amended or revised with the

accompanying Flood Insurance Rate Map (FIRM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

The adopted "Storm Water Drainage Ordinance", flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section. Where there is difference between the ordinances relating to flood hazard areas, flood hazard map, supporting data or code, the more stringent provision shall prevail.

The variance and appeal procedure shall be in accordance with the applicable sections of the adopted "Storm Water Drainage Ordinance" which is administered and enforced by the City of Saraland Building Inspection Department.

SECTION TWELVE: Chapter 23 of the 2015 International Building Code shall be amended as follows:

2304.11.6 Termite protection. Amend to read as follows:

2304.11.6 Termite protection. In geographical areas where hazard of termite damage is known to be very heavy, the floor framing shall be of naturally durable or preservative-treated wood, or provided with approved methods of termite protection. It shall be the responsibility of the permit holder to provide a receipt from a licensed and bonded pest control specialist to certify soil treatment and material used.

SECTION THIRTEEN: The Appendices of the 2015 International Building Code shall be amended as follows:

Appendix B Board of Appeals. Shall be in accordance with; Section 113 of this ordinance as amended.

SECTION FOURTEEN: SEPARATION CLAUSE: 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 Saraland 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, or phrases be declared unconstitutional.

ADOPTED AND APPROVED THIS THE 20th day of May 2019.

Motion was made by Councilmember Biggs, seconded by Councilmember Cromer, to suspend the rules to allow for immediate consideration of the proposed ordinance. The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Newton Cromer
Councilmember Wayne Biggs

Councilmember Veronica Hudson
Councilmember Paul Stanley

Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to adopt the proposed ordinance of the 2015 International Building Code with amendments. The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Newton Cromer
Councilmember Wayne Biggs
Councilmember Veronica Hudson
Councilmember Paul Stanley

Motion carried.

Councilmember Biggs introduced the ordinance adopting the 2014 International Electrical Code.

ORDINANCE 1138

AN ORDINANCE TO ADOPT AN ELECTRICAL CODE FOR THE CITY OF SARALAND, ALABAMA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA as follows:

SECTION ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2014 Edition of the National Electrical Code, along with the amendments to the same contained in this ordinance, which has been on file in the office of the City Clerk of the City of Saraland, Alabama, pursuant to a resolution adopted by the City Council of the City of Saraland, Alabama, on May 21, 2019, is hereby adopted as the “Electrical Code of the City of Saraland.”

SECTION TWO: Published Ordinance. 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 2014 National Electrical Code to be published in a newspaper, nor shall the same be spread at length upon the minutes of this Council, but this Ordinance shall be recorded in said minutes.

SECTION THREE: Effective Date. The said 2014 National Electrical Code shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Saraland in conflict are hereby repealed.

SECTION FOUR: Contractors Criteria and Qualifications. Criteria and qualifications for electrical contractors shall be set forth herein.

It shall be unlawful and an offense against the city for any person to work as a master electrician, journeyman electrician, low voltage electrician, or maintenance electrician without first providing an approved certificate of competency to the Building Inspection Department.

In addition to the requirements as set forth herein, all individuals, agents or businesses who install, alter or modify all or part of an electrical system shall furnish proof that they are a licensed, registered Master Electrician in accordance with the statutory requirements of the State of Alabama and City of Saraland. Where any electrical work is being undertaken, a Master or Journeyman Electrician shall be present at the job site and in actual control and in charge of the work being performed.

SECTION FIVE: Surety Bond.

(A) In addition to the requirements as set forth herein, it shall be the duty of every builder, contractor and sub-contractor to provide and have on file a current License and Permit Bond for \$10,000. The bond is subject to the approval of City of Saraland Legal Department and shall be provided by a surety company qualified to do business in the State of Alabama.

(B) Such bond shall insure that the licensee complies with laws, ordinances and building regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the building business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

(C) The surety bond form must be signed by the master electrical certificate holder and the electrical contractor.

SECTION SIX: Criteria for Owners to Obtain Permit.

For the purpose of this code, an owner physically doing the work themselves on the residence that they occupy, may be issued a permit upon the electrical official's satisfaction that the owner is competent to perform the work for which the permit is requested and completion of an electrical affidavit. Any individual other than the owner doing the work on the property is considered a contractor and shall meet the requirements of a contractor as set forth herein.

SECTION SEVEN: Vehicular Signs. All trucks and similar vehicles used by electrical contractors shall have signs on both sides of the body which include the full name, address and telephone number of the firm to which it belongs. Lettering may be in any color in contrast to the color of the body, but letters identifying the firm name must be at least 1 ½ inches high (1 ½").

SECTION EIGHT: ARTICLE 90 OF THE 2014 NATIONAL ELECTRICAL CODE TO BE AMENDED AS FOLLOWS:

AMEND ARTICLE 90 AS FOLLOWS:

Amend “90.4 Enforcement” by adding “Paragraph 90.4.1 Administration.” to read as follows:

90.4.1 Administration.**(A) General.**

(1) The provisions of this code shall apply within the corporate limits of the City of Saraland, and to all City owned property not located in the corporate limits of the City of Saraland, to electric conductors and equipment installed within or on public and private buildings and other premises, including parking lots, carnivals, yards and industrial substations; also, the conductors that connect the installations to a supply of electricity, and other outside conductors adjacent to the premises. All electrical systems shall be properly permitted and inspected as required by this code.

(2) Nothing in this code shall prevent any homeowner from making an electrical installation within his/her own property boundaries, providing such electrical work is done by himself and is in a building used exclusively by him or his/her family. Such privilege does not convey the right to violate any of the provisions of this code, nor is it to be construed as exempting any such property owner from obtaining a permit and paying required fees therefore.

(3) Nothing in the Electrical Code of the City of Saraland will be construed to relieve or lessen the responsibility or liability of any person, firm or corporation for injury or damage to any person or property caused by or resulting from any malfunction or defects of any nature in any electrical work performed by said person, firm, or corporation or in any electrical equipment owned, controlled, installed, operated or used by them. Nor shall the city, or any officer, agent, or employee thereof, incur or be held as assuming any liability by reason or in consequence of any permit, permission, certificate of inspection, inspection, or approval authorized therein, or issued or given as herein provided or by any reason or consequence of any actions done or acts performed pursuant to any provision of this Code.

(B) Applicability.

(1) **General.** Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(2) **Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

(3) Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

(4) Referenced Codes and Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

(5) Partial Invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(6) Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Property Maintenance Code, International Existing Building Code or the International Fire Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

(7) Additions, Alterations or Repairs. Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause and existing structure to become unsafe or adversely affect the performance of the building.

(8) Listing.

(1) All electrical work and all materials and appliances used in connection therewith done within the City of Saraland shall conform to the requirements and provisions of the 2014 National Electrical Code, except as changed by the provisions hereof, which said requirements and provisions are hereby adopted and approved as a part thereof as fully and completely as if herein set out In haec verba.

(2) All electrical materials, wiring devices, signs, appliances, and equipment used in electrical installations in the City of Saraland whether wholesale or retail in nature shall bear listing label of a nationally recognized testing laboratory or be approved by the Building Inspection Department of the City of Saraland.

(C) Electrical Inspection Unit.

(1) Restrictions on Employees. No officer or employee connected with the department, except one whose only connection is a member of the board established by this code, shall be financially interested in the furnishing of labor, material, or appliances for the construction, authorization, or maintenance of a building. No such officer or employee shall engage in any work, which is inconsistent with his/her duties or with the interest of the department.

(2) Liability. The Building Official or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that

officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by a legal representative of the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

(3) Identification. The Building Official or his duly authorized designee shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

(4) Department Records. The Building Official or his duly authorized designee shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public record.

(D) Duties and Powers of the Building Official.

(1) General. The Building Official or his duly authorized designee is hereby authorized and directed to enforce the provisions of this code. The Building Official or his duly authorized designee shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(2) Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the Building Official or his duly authorized designee has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the Building Official or his duly authorized designees shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official or his duly authorized designee shall have recourse to the remedies provided by law to secure entry.

(3) Notices and Orders. The Building Official or his duly authorized designee shall issue all necessary notices or orders to ensure compliance with this code.

(4) Suspension or Revocation. The Building Official or his duly authorized designee is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

(5) Interference with Building Official. It shall be unlawful for any person to interfere with the Building Official or any of his/her duly authorized representatives when they are performing any of their duties as set out in this Code or in other ordinances of the City of Saraland.

(E) Approval.

(1) **Notices.** Upon the completion of the Electrical wiring of any Building, and/or upon the completion of any alteration or change or repair, it shall be the duty of the contractor doing the electrical work to notify the Building Official or his/her duly authorized designee that such work is completed, who shall then inspect or cause such wiring or appliances to be inspected, and if approved by him, shall issue and attach a certificate of approval.

(2) **Certificate of Approval.** It shall be unlawful to use or permit the use of, or to supply current for electric wiring for light, heat or power in a building or structure unless the required certificate of approval has been issued; provided, however, the Building Official or his/her duly authorized designee may in his/her discretion give temporary permission for a reasonable time to supply and use current in parts of an electrical installation before such installation has been fully completed and the Certificate of Approval issued.

(F) Permits.

(1) **Application for Permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Inspection for that purpose. Such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- (3) Indicate the use and occupancy for which the proposed work is intended.
- (4) Be accompanied by construction documents.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant, or the applicant's authorized agent.
- (7) Give such other data and information as required by the Electrical Official.
- (8) Applicant must provide proper identification to verify ownership of property.
- (9) Application for an electrical permit shall be granted only to the homeowner, or to a master electrician or to the master electrician's authorized agent.

(2) **Time limitation of Application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(3) **Action on Application.** The Building Official or his duly authorized designee shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official or his duly authorized designee shall reject such application in writing, stating the reasons therefore. If the Building Official or his duly authorized designee is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official or his duly authorized designee shall issue a permit therefore as soon as practicable

(4) Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official or his duly authorized designee is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(5) Placement of Permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.

(6) Plans and Specifications. Plans and specifications must meet the requirements of Section 107 of the Ordinance of the City of Saraland adopting the 2014 edition of the International Building Code.

(7) Schedule of Fees. On all electrical installations requiring an electrical permit, a fee for each electrical permit shall be paid as required at the time of application, in accordance with the Building Codes Permit Fee Schedule Ordinance as adopted by separate ordinance.

(G) Inspections and Testing.

(1) Inspection Required. During and upon completion of any installation, alteration, or extension of an electrical wiring system, the Building Official or his duly authorized designee shall inspect the work to assure compliance with the electrical code.

(2) Concealed Work. During and upon completion of any installation, alteration, or extension of an electrical wiring system, the Building Official or his duly authorized designee shall inspect the work to assure compliance with the electrical code.

(3) Conformity. The Building Official or his duly authorized designee shall within a reasonable time after notice of the completion of the electrical wiring for which a permit is required by this code, make or cause to be made an inspection of such work and such tests as may be necessary to determine that it conforms to the code.

(4) Re-inspection. The Building Official or his duly authorized designee may conduct any re-inspection in the interest of public safety. If an electrical wiring system is found to be defective and unsafe, the electrical official shall revoke all certificates relating to such systems, and the use of such system shall be discontinued until compliance is achieved and a new certificate issued.

(5) Defective Work. If an electrical wiring system upon re-inspection is found to be defective and unsafe, the Building Official or his/her duly authorized designee shall revoke all certificates in effect at that time relating to such systems; and the use of such electrical wiring system shall be discontinued until it has been made to conform to this code and a new certificate of approval has been issued by the Building Official or his/her duly authorized designee.

(6) Certificate of Approval. Upon the making of the final inspection of an electrical wiring system, if the same be approved, then the Building Official or his/her duly authorized designee shall issue or cause to be issued a certificate of approval, as hereinafter provided, and the same shall be attached to the electrical wiring system.

(7) Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official or his duly authorized designee. The Building Official or his duly authorized designee upon notification shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same

fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until approved.

(8) Underground Inspection. Underground inspection is to be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

(9) Rough-in Inspection. Rough-in inspection is to be made after the roof, framing fire-blocking, bracing and rough wiring is in place and prior to the installation of wall or ceiling membranes.

(10) Final Inspection. Final inspection is to be made after the building is complete, all required fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(H) Connection or Reconnection of Services.

(1) No person shall make connections from a utility, source of energy or power to any building or system for which a permit is required, until approved by the Building Official or his duly authorized designee.

(2) The Building Official shall have the sole authority to authorize and approve the temporary connection of the building or system to the utility source of energy or power. Prior to energizing electrical power for the entire building, the electrical contractor shall submit a written action plan to the Building Official for approval.

(3) Whenever electrical service has been discontinued in a building or structure for a period exceeding six (6) months, the Building Official or his duly authorized designee shall inspect the service equipment and readily accessible wiring before reconnection of the power supply.

(4) The Building Official or his duly authorized designee shall have the authority to authorize disconnection of utility service to a building, structure or system regulated by this code with the exception that, in the case of an emergency threatening immediate hazard to life or property, a utility connection may be made without prior approval. The electrical official shall notify the serving utility, and if possible, the owner and occupant of the decision to disconnect before the disconnection are affected.

(I) Violation penalties.

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, in accordance with the applicable sections of the Saraland City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(a) Violation of the provisions of this code shall be subject to \$200.00 fine unless otherwise listed below:

6. Occupying a commercial building without a Certificate of Occupancy	\$250.00
7. Working without proper license and certifications	\$250.00
8. Occupying a residential building without a Certificate of Occupancy	\$250.00
9. Signage on all vehicles used by contractor	\$250.00
10. Interference with code official	\$500.00

(J) Regulation of Master Electricians.

(1) Every electrical contractor, including joint ventures, must have continuously in his/her employ a master electrician with a valid certificate of competency. All joint venture contractors shall submit proof of continuous employment of a certified master electrician as required by the Building Official. Whenever any master electrician leaves the employ of an electrical contractor it shall be the duty of such contractor to immediately notify the Building Official

(2) Every holder of a certificate of competency as a master electrician shall notify the Building official as to his/her place of employment or any change in employer

(3) In the event of death of the "active" master electrician of record employed by a contractor, the contractor shall be permitted to continue operations on previously permitted projects; not to exceed ninety (90) days and under the temporary supervision of a master electrician. At the end of this period, the contractor will be required to employ exclusively a new holder of an "active" master's certificate.

(4) No master electrician shall allow his/her name to be used by any other person, firm or corporation for the purpose of obtaining a permit to do electrical work or for the purpose of doing electrical work under the master electrician's license.

(K) Regulation of Maintenance Electricians.

All maintenance electricians shall register with the building official or his designee and identify the name and address of his/her employer and any change in employer.

(L) Regulation of Journeyman Electricians.

(1) It shall be unlawful for any journeyman to do any electrical work unless he/she is doing such work under the direct supervision of a holder of a certificate of competency as a master electrician.

(2) It shall be unlawful for a journeyman to allow any person employed as a helper, apprentice, or trainee to do any electrical work, except under the direct supervision of a master or journeyman.

(3) A minimum of one (1) journeyman must be present on each construction site. Additional journeymen shall be required at the discretion of the Building Official or his designee.

(M) Regulation of Low Voltage Contractors.

(1) All installations of low voltage systems (i.e., sound, radio and television receiving equipment, burglar alarm systems, telephone fire alarm systems and audio systems) shall comply with the standards of safety as approved and amended by a nationally recognized testing laboratory, the provisions of which are incorporated herein and made a part hereof by reference.

(2) Low Voltage Contractors must be licensed by the Alabama Electronics Security Board and with the appropriate City of Saraland business license, Surety Bond, and Permits.

Work performed under the certificate shall be limited to the specific installation specified on the certificate.

(3) Low Voltage Contractors shall not be authorized to connect low voltage systems to a structure's light, power or electrical heating systems.