ORDINANCE NO. 713-25

AN ORDINANCE UPDATING BUILDING CODE REQUIREMENTS AND PERMIT FEES FOR THETOWN OF SUMMERDALE

WHEREAS, this ordinance regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of building structures, and fences in the Town of Summerdale and its police jurisdiction; providing for the issuance of permits and collection ordinances and parts of ordinances in conflict therewith.

WHEREAS, the Town of Summerdale will heretofore require that a building permit be obtained by each person, firm, corporation, or other entity engaged in excavation work, street paving, street repairing, landscaping, irrigation installation, building or constructing any individual building or remodeling, adding to air conditioning, roofing, re-roofing, storage tanks, fire sprinkler systems or repairing any existing building.

Plans for each such building, construction, addition, remodeling, air conditioning, roofing, re-roofing, or repair and copies of bonafide signed contracts or other evidence of cost of the above referenced work shall be submitted to the Building Official along with a building permit application.

Prior to commencement of work, the building permit must be secured by payment in full of all permit fees and inspection fees provided for herein. For the purpose of determining the fee for the issuance of a building permit, the valuation of the requested work shall be determined by bonafide signed contracts, or other evidence of cost as submitted by the persons, firms, corporations, or other entities requesting a building permit.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Summerdale, as follows:

That the following codes or portions of codes be, and the same are hereby, approved and adopted by reference, except for the changes and exclusions listed (if any):

COMMERCIAL CODES

1. COMMERCIAL BUILDING CODES:

(a) International Building Code, 2024 Edition, together with Appendix C (Group U (Agricultural Buildings), Appendix I (Patio Covers), Appendix J (Grading) and Appendix K (Administrative Provisions); provided, however, the following sections and chapters are amended to read as follows and/or added to/deleted from said code:

Section (A)101.1: (insert) Town of Summerdale, Alabama

Section (A)103.1: (insert) Department of Building Safety

(delete) Section (A)105.1.1: Annual permit

(delete) Section (A)105.1.2: Annual permit records.

Section (A)105.2 (2): (add to), "however, fences over 36 inches in height will require zoning approval."

Section (A)105.2 (9): (revise as) "36 inches (610mm) deep, or less, or portable,"

(add) Section (A)105.2: 14. Portable Hot tubs/spas.

Section (A)105.3 Application for a permit: (revise as) "shall file an application using the permitting portal furnished by the Department of Building Safety"

1.1 Section (A)105.5: (replace with) **Permit Expiration**. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced, **unless such shorter duration or different expiration terms are imposed on the permit due to special circumstances, such as nuisance abatement projects.** The building official 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.

1.2 Section (A)109.3 (replace with) **Permit Valuations**: "For new construction the valuation used to determine the applicable fee shall be calculated from the most current version of the Building Valuation Data published by the International Code Council, with local modifiers, or bona fide, signed contracts, local averages based on the square footage of the project, or any other evidence of the cost or value of the work, as determined by the building official."

1.3 (add) Section (A)111.5: **Certificate of Completion**. Upon satisfactory completion of a building, electrical, mechanical or plumbing permit, a certificate of completion may be issued. This certificate indicates a structure, or system is complete and for certain types of permits is released for limited use and may be connected to a utility system. This certificate does not grant authority to occupy a building prior to the issuance of a **certificate of occupancy**, except for limited uses such as training and stocking.

1.4 Section (A)114.4: (replace with) **Violation penalties**. Persons 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, repair or do work in violation of the approved construction documents or directive of the building official , or of a permit or certificate used under provisions of this code, shall be guilty of a Building Code Violation , and upon conviction, punishable pursuant to the penalty section of this Code or other jurisdictional law/authority that may apply.

1.5 (add) Section IBC 117/IRC R115: **ADDITIONAL CONTRACTOR RESPONSIBILITIES**

(add) (A)117.1/R115.1 The Contractor must provide the Town of Summerdale with all Subcontractor's Name, Address, Phone Number, Town License Number, State License Number, and job value. The Contractor will be responsible for purchasing a Town Business License and responsible for the purchase of licenses for any sub-contractor who fails to purchase the license for themselves. All fees must be paid prior to the issuance of the Certificate of Occupancy.

(add) Section (A)117.2/ R115.2 Workman's Chemical toilets are required at each site.

(add) Section (A)117.3/R115.3 Dumpsters are required at each individual construction site. Scrap lumber, metal roofing, etc. in connection with construction or replacement must be placed in dumpsters. The site must be kept free of loose materials that could be blown on the neighboring property.

(add) Section (A)117.4/R115.4 Landscape Plans are required for all commercial projects. Landscape plans to be stamped by an Alabama Registered Landscape Architect.

(add)Section (A)117.5/R115.5 Public Sewer Affidavit / Health Department Release (where allowed by ordinance)

(add) Section (A)117.6/R115.6 Site Plan & Plot Plan with setbacks and parking requirements.

(add) Section (A)117.7/R115.7 Address verification letter for all residential/dwelling structures.

(add) Section (A)117.8/R115.8 For residential developments involving the construction of 3 or more dwelling units and all commercial and industrial developments, a site plan must be reviewed by the Site Review Committee and approved by the Planning Commission prior to the issuance of building permit.

1.6 (add) Section (A)117.9/R115.9 **Inspections:**
a. No Inspections will be made at any sequence unless the subcontractors have paid for their business license. If a subcontractor fails to purchase a license, the Contractor (permit holder) is responsible for the license fee.
b. The contractor should notify the building department 24 hours in advance to request required inspections.
c. A Certificate of Occupancy will be issued only after all permit requirements have been met.

(add) Section (A)117.10/R115.10. No lead-soldered pipe will be allowed.
1.7 COMMERCIAL DESIGN CRITERIA (insert):

*Section 1609.3 The **minimum** basic design wind speed shall be determined as follows:* *

RISK CATEGORY I (Low hazard to human life): 140 mph Vult.

RISK CATEGORY II (Ordinary buildings other than RC I, III or IV): 155 mph Vult.

RISK CATEGORY III (Substantial hazard to human life): 165 mph Vult.

RISK CATEGORY IV (Essential facilities): 175 mph Vult.

(Vult = 3 second gust at 33 ft. above the ground in Exposure Category C)
*(Site specific engineering using current ASCE Hazard tools will also be allowed)

Section 1612.3: Town of Summerdale, April 19, 2019

2. COMMERCIAL PLUMBING CODES:
International Plumbing Code, 2024 Edition provided, however, the following sections are amended to read as follows and/or added to said code:

Section (A)101.1 Town of Summerdale, Alabama

Section (A)103.1 (insert) Department of Building Safety

Section (A)114.4: (all inserts) "as prescribed by the penalty section of this Code or other jurisdictional law/authority that may apply.

Section 305.4.1 (insert) – Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of eighteen **(18)** inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of six **(6)** inches below grade.

(add) Section 702.3 - The minimum thickness for sewer pipe in this jurisdiction is schedule 40.

(add) Section 708.1.2.1 – Building Sewers. Sewage line clean-outs shall be permanently protected from damage at ground level by a method approved by the building official.

Section 903.1.1 (insert) - Roof Extension. All open vent pipes that extend through a roof shall terminate at least six **(6) inches (152mm)** above the roof.

3. COMMERCIAL GAS CODES:

International Fuel Gas Code, 2024 Edition provided, however, the following sections are amended to read as follows and/or added to said code:

Section (A)101.1 Town of Summerdale, Alabama

Section (A)103.1 (replace with) The gas provider shall certify the installation and code compliance

Section (A)114.4: (all inserts) "as prescribed by the penalty section of this Code or other jurisdictional law/authority that may apply.

4. COMMERCIAL MECHANICAL CODES:

International Mechanical Code, 2024 Edition; provided, however, that the following sections are amended to read as follows and/or added to said code:

Section (A)101.1: (insert) Town of Summerdale, Alabama

Section (A)103.1: (insert) Department of Building Safety

Section (A)114.4: (all inserts) "as prescribed by the penalty section of this Code or other jurisdictional law/authority that may apply.

(add) Section 606.4 .2 - Alarm activation from the installed protective signaling system shall cause shutdown of all HVAC units in the zone, floor, or area. If the signaling system is unable to designate a specific zone, floor or area, global shutdown of all HVAC systems in the building shall occur upon fire alarm activation.

5. COMMERCIAL ELECTRICAL CODES:

NFPA 70, National Electric Code, 2023 Edition provided, however, the following sections are amended to read as follows and/or added to said code:

Article 362.10 (replace with) – Electric nonmetallic tubing type ENT, shall only be allowed for low voltage AC circuits not exceeding twenty-four (24) volts and data-com.

6. EXISTING BUILDING CODES:

International Existing Building Code, 2024 Edition, together with Appendix A (Referenced standards); provided, however, the following sections are omitted and not adopted:

The International Existing Building Code adopted herein shall be amended as follows:

Section (A)101.1: (insert) Town of Summerdale, Alabama

Section (A)103.1: (insert) Department of Building Safety

(delete) Section (A)105.1.1: Annual permit.

(delete) Section (A)105.1.2: Annual permit records.

7. COMMERCIAL ENERGY CONSERVATION CODES:

International Energy Conservation Code (IECC), 2024 Edition, as amended by the Code of the State of Alabama, shall be implemented and enforced for new habitable commercial buildings and habitable residential buildings three (3) stories and above including multi-family dwellings provided however, the following sections are amended as follows:

Section C101.1: (insert) Town of Summerdale, Alabama
Section R101.1: (insert) Town of Summerdale, Alabama

(delete) Section C402.2.4: Slabs-on-grade Floors.

(delete) Section R403.1.1: Programmable Thermostat

(delete)Section R403.10: Energy Consumption of pools and spas.

(delete) Section R403.10.1: Heaters.

(delete) Section R403.10.2: Time Switches

(delete) Section R403.10.3: Covers.

(delete) Section R403.11: Portable spas.

8. COMMERCIAL SWIMMING POOL AND SPA CODES:
The International Swimming Pool and Spa Code, 2024 Edition provided, however, that the following sections are amended to read as follows and/or added to said code:

Section 101.1: (insert) Town of Summerdale, Alabama

Section 103.1: (insert) Department of Building Safety

Section 113.4: (all inserts) "as prescribed by the penalty section of the of Summerdale Building Code or other jurisdictional law/authority that may apply.

9. AMERICANS WITH DISABILITIES ACT:
Accessible and Usable Building and Facilities, ICC/ANSI A117.1, 2017 Edition.

FIRE PREVENTION

10. FIRE PREVENTION CODES:
International Fire Code, **2024** Edition; and Appendices A, B, C, D, F, H and I; provided, however, the following sections are amended to read as follows and/or added to said code:

Section 101.1: (insert) Town of Summerdale, Alabama
Section 113.4 (add to) Fire Code Violation:
Violation penalties. Persons 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, repair or do work in violation of the *approved construction documents* or directive of the *fire code official,* or of a permit or certificate used under provisions of this code, shall be guilty of a **Fire Code Violation,** and upon conviction, punishable pursuant to the penalty section of this Code or other jurisdictional law/authority that may apply.

10.1 Section 307 - **Open Burning Requirements**:

(add) Section 307.1.1.1. (add) No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained without first obtaining a permit or other proper authorization. During the construction or demolition of any structure, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.
Section 307.1.1.2. (add) Only untreated wood and plant growth shall be permitted to be burned. Under no circumstances shall any treated or painted lumber, heavy oils, items containing synthetic or natural rubber, asphaltic materials, plastics, or refuse be burned.

(add) Section 307.1.1.3. Open fires permitted in this section shall not commence before 6:00 a.m. and no combustible material shall be added to the fire after 3:00 p.m. of each day permitted. The fire official may prohibit any or all open burning when local circumstances or atmospheric conditions make such fires hazardous.

(add) Section 307.1.1.4. Open burning of materials generated by major land clearing practices is prohibited in the corporate Town limits of Summerdale.

(add) Exception: The disposal of plant growth generated by major land clearing practices may be conducted only by a method approved by the fire code official.

10.2 (add) Section 606.3.3.4: **Additional Hood System Cleaning Requirements:**

a. Current certificate of training on hood cleaning in compliance with NFPA 96. Sprinkler Systems:

b. Current sprinkler system permit through the Alabama State Fire Marshal's Office and NICET certification. Fire Alarm Systems.

c. Current fire alarm permit through the Alabama State Fire Marshal's Office and NICET certification. Must be a minimum of NICET II to perform technician work, or work under the direct supervision of NICET II.

OTHER FIRE CODES:

11. WATER SUPPLY, SUBURBAN AND RURAL FIRE FIGHTING:
NFPA 1142, Water Supplies, Suburban and Rural Fire Fighting, 2022 Edition.

12. FIRE ALARMS:
NFPA 72: National Fire Alarm and Signaling Code, 2025 Edition.

13. WET CHEMICAL EXTINGUISHING:
NFPA 17A: Standard for Wet Chemical Extinguishing Systems, 2024 Edition

14. RESIDENTIAL SPRINKLER SYSTEMS:
NFPA 13R: Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height, 2025 Edition.
NFPA 13D: Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured homes, 2025 Edition.

15. COMMERCIAL SPRINKLER SYSTEMS:
NFPA 13: Standard for the Installation of Sprinkler Systems, 2025 Edition.

16. PORTABLE FIRE EXTINGUISHERS:
NFPA 10: Standard for Portable Fire Extinguishers, 2022 Edition.

17. STANDPIPES AND HOSE SYSTEMS:
NFPA 14: Standard for Installation of Standpipes and Hose Systems, 2019 Edition.

RESIDENTIAL CODES

18. RESIDENTIAL BUILDING CODES:
International Residential Code, 2024 Edition, together with Exhibit A (Coastal Construction Supplement) attached hereto, Appendix BA (Manufactured Housing used as Dwellings, Appendix BD (Home Day Care Occupancy, Appendix BF (Patio Covers), and Appendix BO (Existing Buildings and Structures), provided, however, the following sections and chapters are amended as follows:

Section R101.1: (insert) Town of Summerdale, Alabama

EXEMPTIONS:

Section R105.2 (2): (add to), "however, fences over 36 inches in height will require zoning approval."

Section R105.2 (7): (revise as) "36 inches (610mm) deep, or less, or portable,"

(add) Section R105.2: 11. Portable Hot tubs/spas.

18.1 UNLAWFUL ACTS:

(add) Section R113.1.1 (add) **Hours of Construction**. Within residential districts, no remodel or new construction work shall commence between the hours 8:00 pm and 7:00 am April through September and no construction work shall commence between the hours of 6:00pm and 7:00am October through March. In addition, within residential districts, no remodel or new construction work shall commence on Sunday.

18.2 VIOLATION PENALTIES:

(add) Section R113.4.1: (add) Violation penalties. Persons 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, repair or do work in violation of the approved construction documents or directive of the building official, or of a permit or certificate used under provisions of this code, shall be guilty of a Building Code Violation , and upon conviction , punishable pursuant to the penalty section of this Code or other jurisdictional law/authority that may apply.

18.3 RESIDENTIAL DESIGN CRITERIA:

Table R301 .2 (1) - Climatic and Geographic Design Criteria - shall be amended as follows:

GROUND SNOW LOAD – 0

WIND DESIGN:
SPEED (MPH) - 155*

TOPOGRAPHIC EFFECTS – NO

SPECIAL WIND REGION – NO

WINDBORNE DEBRIS ZONE - YES

SEISMIC DESIGN CATEGORY – A

SUBJECT TO DAMAGE FROM:
WEATHERING - NEGLIGIBLE

FROST LINE DEPTH - 4"

TERMITE - VERY HEAVY

ICE BARRIER UNDERLAYMENT REQUIRED - NO

FLOOD HAZARDS – 10/7/2008.

AIR FREEZING INDEX – 1500 OR LESS

MEAN ANNUAL TEMPERATURE – 66.7
*Wind design speed is ultimate design (Vult) wind speed and shall be increased for slope IAW Table R301.2.1.5.1 of the 2024 International Residential Code.
(Vult = 3 second gust at 33 ft. above the ground in Exposure Category C)

18.4 SUNROOMS:
Additional design requirements for new or replaced sunrooms will be IAW section R301.2.1.1.1, to include the proper AAMA category, with Category V being the only option for a habitable room.

18.5 PROTECTION OF OPENINGS (Section R301.2.1.2):
New installation or a more than 25% replacement of the total amount of windows or doors in a habitable residential structure will require impact protection with approved glazing or covers, without affecting required egress while occupied.

18.6 RESIDENTIAL SMOKE/GAS DETECTION:

(delete) Section R309: - Automatic Fire Sprinkler Systems

Section R310.3 Location. Smoke alarms shall be installed in the following locations:

(1) (Revise) Outside each separate sleeping area in the immediate vicinity of the bedrooms, within 21 ft of any door to a sleeping room, with the distance measured along a path of travel.

(2) (add) 7. In the living area(s).

(add) Section R311.3.1 Location near living areas. Carbon monoxide alarms shall be installed within 21 feet of any living area where sleeping is likely to occur. Alarms shall be located per manufacturer 's specification.

18.7 WALL CONSTRUCTION:
(add) Section R602.6 (3) Any loadbearing wall that contains plumbing over 1" in diameter shall be constructed with a minimum of 2 x 6" framing members.
(add) Section R602.6 (4) Any non-loadbearing wall that contains plumbing over 1.5" in diameter shall be constructed with a minimum of 2 x 6" framing members.
18.8 RESIDENTIAL RE-ROOFING:

(add) Section R908.3.1: (Total roof covering replacement) If more than 25% of the total continuous roof covering area (**connected by overlapping materials**) of any existing building is being replaced, the entire connected system shall be replaced and brought into compliance with the adopted building and supplemental codes, unless the undamaged area of the system is in compliance with current codes. (verifiable by jurisdictional inspection records or approved 3rd party records).
Examples of connections are:

a. Ridges
b. Valleys
c. Hips

Examples of disconnections are:

a. Split level
b. Separation parapets

19. RESIDENTIAL ENERGY CONSERVATION:

Rescheck will be IAW the 2024 IECC as amended by any state regulations (https://www.energycodes.gov/rescheck)

20. RESIDENTIAL PLUMBING:

Section P2603.5.1 (insert)– Sewer Depth. Building sewers that connect to private sewage disposal systems shall be *not less than* eighteen (18) inches below finished grade at the point of septic tank connection. Building sewers shall be *not less than* six (6) inches below grade.

(add) Section P3002.2.2 – The minimum thickness for sewer pipe in this jurisdiction is schedule 40.

(add) Section P3005.2.10.4 - Building Drain and Building Sewer Junction. Sewage line clean-outs shall be permanently protected from damage at ground level by a method approved by the building official.

MANUFACTURED HOMES

21. MANUFACTURED HOMES (Used as permanent dwellings):
International Residential Code, 2024 Edition, Appendix BA, as amended:

(add) Section BA115.1.1 – **Requirements for skirting**. Any Manufactured home in the Summerdale jurisdiction shall have skirting installed in compliance with the code requirements.

22. MANUFACTURED HOMES (Not used as permanent dwellings):
NFPA 501A, Manufactured Home Installations, Sites, and Communities, 2021 Edition

23. MODULAR HOMES:
Local Codes:
1. Submit AMHC (Alabama Manufactured Home Commission) stamped plans.
2. An Alabama Registered Engineer shall certify modular homes to meet adopted wind loads.
3. Submit foundation plan and anchorage to foundation plan. Shall equal or exceed local adopted codes.
4. Any other on-site construction shall require a separate permit by the Building Inspection Department.
5. Modular Homes shall be required to have a Final Inspection after exterior of structure and any on-site construction is complete.
6. Modular Homes shall be installed in accordance with the engineered installation instructions.
7. Modular Homes shall be inspected for compliance with engineered instructions and any applicable current local adopted codes.
8. In-factory construction and components are not the responsibility of the Inspection Department.

PROPERTY MAINTENANCE

24. PROPERTY MAINTENANCE CODES:
International Property Maintenance, 2024 Edition; provided, however, that the following sections are amended to read as follows and/or added to said code:
Section 101.1: (insert) Town of Summerdale, Alabama Section 302.4: (Insert) 12 Inches

RECREATIONAL VEHICLE PARKS

25. **RECREATIONAL VEHICLE (RV) PARKS AND WHERE RV LOTS ARE ALLOWED**:
NFPA 1194, Recreational Vehicle Parks, 2021 Edition.

PERMIT APPLICATION

26. SUBMITTAL DOCUMENTS:
a. Submittal documents required to be prepared by a design professional:
Any new habitable structure. (Residential shall be sealed by a State of Alabama professional engineer. Commercial shall be sealed per regulations set by the state architectural and/or engineering boards).

b. Any residential addition over one thousand (1,000) square feet in area or that creates more than a fifty (50%) percent improvement to the structure shall be sealed by a State of Alabama professional engineer.

c. Any residential remodel that affects the exterior loads or is considered a fifty (50%) percent improvement to the structure shall be sealed by a State of Alabama professional engineer.

d. Any commercial addition that is over one thousand (1,000) square feet in area increases the original structure to over twenty-five hundred (2,500) square feet in area or affects the loads, energy values or life safety plan of the original structure shall be sealed in accordance with regulations set by the state of Alabama architectural and/or engineering boards.

e. Any commercial remodel to a structure that is over twenty-five hundred (2,500) square feet in area or changes the structural load, energy values or life safety plan of the original structure shall be sealed in accordance with regulations set by the state architectural and/or engineering boards.

f. Any built-on-site accessory structure over one thousand (1,000) square feet in area shall be sealed per regulations set by the state of Alabama architectural and/or engineering boards.

g. Any pre-built accessory, modular or manufactured structure shall be sealed in accordance with regulations set by the state of Alabama architectural and/or engineering boards.

h. Any free-standing sign with a face over thirty-two (32) square feet in area or more than nine (9) feet in height at the highest point shall have the loads sealed by a State of Alabama professional engineer.

i. Any engineered product, such as a truss system shall be sealed by a State of Alabama professional engineer.

j. Any geotechnical data shall be sealed by a State of Alabama professional engineer.

k. Any new commercial mechanical, electrical or plumbing (MEP) system shall be sealed by a professional engineer, as required by the Alabama state board.

l. Any other project requiring a design professional as determined by the state architectural or engineering boards shall be sealed as required by the Alabama state boards.

m. The submittal documentation for any habitable structure being built or modified in a Special Flood Hazard area shall also include a flood elevation certificate, prepared by a qualified surveyor, based on the construction drawings.

n. The submittal information required for any new structure includes a code study, structural loads, energy values and/or commercial electrical, mechanical, plumbing and life safety plans.

o. Commercial energy designs shall be shown on Comcheck reports IAW the 2024 IECC.

p. Residential energy designs shall be shown on Rescheck reports IAW the 2024 IECC.

q. Construction documents as required in IBC section 107.

*EXCEPTIONS: Non-habitable structures or signage will not need to provide energy values.

Digital copies (PDF) of plans/revisions shall be submitted using the permitting portal.

27. **GOVERNMENT AGENCY EXCEPTIONS:**

Permit exceptions: Construction and construction-related activities which are being performed by or on behalf of the federal government, the State of Alabama, Baldwin County, or any departments, agencies, boards, divisions, or subdivisions of the same for their own use shall be exempt and excluded from the permits, permit fees, inspections, and inspection fees called for in this Article. The Town of Summerdale shall be exempt and excluded from the permit fees and inspection fees. Subject to the forgoing, all construction and construction-related activities must conform to all applicable federal, state, county and local laws relating to the same, and it is the responsibility of the federal government, the State of Alabama, Baldwin County, the Town of Summerdale, or the

department, agency, board, division, or subdivision on whose behalf the work is being performed to ensure compliance with all applicable laws and ordinances. This section shall not exclude construction or construction-related activities which are merely funded, in whole or in part, by federal, state, county or municipal monies but which will not be owned or occupied by that governmental entity after the completion of the construction or construction-related activities.

28. PENALTIES:

ISSUANCE OF NOTICE OF VIOLATION OR CITATION TO THE OWNER OF PROPERTY OR EACH PERSON, FIRM, OR CORPORATION ENGAGED IN THE ACTIVITIES REGULATED BY THIS ORDINANCE AND WHOSE ACTIVITIES ARE IN VIOLATION OF THIS ORDINANCE

It shall be unlawful for any person, firm, or corporation to violate, disobey, omit, neglect, refuse to comply with or resist enforcement of any of the provisions of this Ordinance and such person, firm, or corporation shall, upon conviction, be fined not less than $100.00 or more than $500.00 and up to 6 months in jail for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

A. Any official of the Town of Summerdale may post on the property or serve the owner of property or each person, firm, or corporation engaged in the activities regulated hereunder, when activities are being conducted in violation of this Ordinance, a notice of non-compliance.

B. If the violation is not brought into compliance within 48 hours after notice has been served, any Police Officer of the Town of Summerdale shall issue a citation to appear in the Municipal Court of the Town of Summerdale at a time and date specified thereon to answer the charge of such violation(s) of this Ordinance.

C. Citations shall be signed by Inspectors finding such violations and shall be sent by certified mail or served by a Police Officer to the contractor or persons responsible for the permit or to the owner of the property on which the violation is found, as such owner's names and address appear in the records of the Baldwin County Tax Assessor's Office.

D. If the party charged fails to appear and answer such charges in the Municipal Court at the time and place set forth by the citation, a warrant shall be issued charging such party with the violation.

E. Once the warrant has been issued and tried before the Municipal Court, a person found guilty of such violations shall be guilty of a misdemeanor and shall be punished as provided herein.

29. **Permit Fee Requirement:**

Permit Fees shall read as follows: "Each person, firm, corporation or other entity engaged in any construction or construction-related activity for which a Town building permit is required shall, before the commencement of work, pay the appropriate building permit fee. For the purpose of determining the fee for the issuance of a building permit, the value of the requested work is determined by the Town of Summerdale Department of Building Safety which may consider the most current version of the Building Valuation Data published by the International Code Council, bona fide, signed contracts, or any other evidence of the cost or value of the work. The following fees shall be charged for the issuance of building permits based on the total value of work, including materials and labor."

30. BUILDING RELOCATION REQUIREMENTS:

a. ANY PLANNING/ZONING, FIRE DEPARTMENT, CIVIL ENGINEERING OR ENVIRONMENTAL REQUIREMENTS SHALL ALSO BE MET.

b. THE BUILDING SHALL BE SAFE FOR OCCUPANCY BY MEETING THE REQUIREMENTS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE. (IEBC 1301.2)

c. A CHANGE OF OCCUPANCY TYPE SHALL REQUIRE FULL COMPLIANCE WITH THE INTERNATIONAL EXISTING BUILDING CODE. (IEBC 1301.2)

d. ANY NEW ELEMENTS ADDED TO THE STRUCTURE SHALL COMPLY WITH THE INTERNATIONAL RESIDENTIAL CODE. (IEBC 1301.2)

e. THE LOCATION ON THE LOT SHALL MEET THE SETBACK REQUIREMENTS FOR ZONING AND THE INTERNATIONAL RESIDENTIAL CODE. (IEBC 1302.1)

f. THE FOUNDATION AND CONNECTION TO THE STRUCTURE SHALL MEET THE REQUIREMENTS OF THE INTERNATIONAL RESIDENTIAL CODE AND BE ENGINEERED BY A DESIGN PROFESSIONAL. (IEBC 1302.2/ORDINANCE)

g. THE STRUCTURE SHALL MEET INTERNATIONAL RESIDENTIAL CODE WIND LOAD REQUIREMENTS WITH ANY CORRECTIONS ENGINEERED BY A DESIGN PROFESSIONAL. (IEBC 1302.3/ORDINANCE)

h. THE STRUCTURE SHALL BE INSPECTED AND VERIFIED AFTER THE MOVE FOR STRUCTURAL COMPONENT STABILITY BY A PROFESSIONAL ENGINEER. (IEBC 1302.7/ORDINANCE)

i. ELECTRICAL, MECHANICAL AND PLUMBING ELEMENTS ARE NOT REQUIRED TO BE RETROFITTED UNLESS THEY ARE FOUND TO BE UNSAFE OR NOT READY FOR CONNECTION TO SERVICES. (IEBC)

j. TO RECEIVE A PERMIT A SITE PLAN OF THE NEW LOCATION IS REQUIRED ALONG WITH THE PERMIT APPLICATION.

k. ALL OF THE OTHER REQUIREMENTS, LISTED ABOVE, SHALL BE PROVIDED, PERMITTED AND INSPECTED BEFORE ELECTRCAL POWER AND OCCUPANCY ARE ALLOWED.

l. IT IS THE MOVER'S RESPONSIBILTY TO CHECK WITH OTHER AGENCIES FOR THE ACTUAL MOVING PROCESS.

NOTE: THESE ARE BASIC REQUIREMENTS AND NOT ALL-ENCOMPASSING AND MAY BE SUBJECT TO OTHER RULES, REGULATIONS OR MANUFACTURER REQUIREMENTS.

31. SUBSTANTIAL DAMAGE/IMPROVEMENT REQUIREMENTS:

a. If a building has been demolished by a storm, fire, flood or other means and major repairs are needed or a major improvement project is proposed and the cost of repairs/improvements will equal or exceed 50% of the market value of the structure before improvements are started, the Building Official may deem them Substantial Damage/Improvement and require that the owner bring it up to current code standards or remove it.

32. **RESIDENTIAL VALUATION**

For single family, duplex, and townhome new residential construction, the permit valuation shall be calculated on a square foot basis utilizing standardized construction cost data published periodically in the ICC Building Valuation Data ("BVD") as published by the ICC as follows:

a. Conditioned Spaces: 86% of the Square Foot Construction Costs set forth in the BVD using the "R-3 Residential, one- and two-family" ICC Group classification and the "VB" ICC construction type column.

b. Unconditioned Spaces: 86% of the Square Foot Construction Costs set forth in the BVD using the "U Utility, miscellaneous" ICC Group classification and the "VB" ICC construction type column.

c. The current ICC BVD in effect as of the effective date of this Ordinance is attached as Exhibit B hereto as a link to the ICC website (https://www.iccsafe.org/) and will be posted every six (6) months with the ICC update.

33. FEES: SEE ADOPTED SUMMERDALE FEE SCHEDULE

34. **Flood Prevention Ordinance**: All adopted, valid Flood Damage Ordinances remain in full force and effect.

35. **Land Disturbance Permit Requirements**:

a. A complete set of plans showing all necessary engineering data and the extent of the land disturbance.

b. An NPDES permit from ADEM is required if the land area being developed results in land disturbance equal to or greater than one acre or from construction activities involving less than one acre and which are part of a common plan of development or sale equal to or greater than one acre.

c. A permit or a release from the Army Core of Engineers will be required for any disturbance of wetlands.

d. Property owner authorization provided. (Contractors must provide an affidavit from property owner.)

e. The Contractor shall develop a storm-water pollution prevention plan (SWPPP) by the EPA's best management practice (BMP) to control erosion and sediment and manage stormwater if applicable.

f. Minimum building pad height: For all new construction, where the structure is setback not more than two hundred (200) feet from the road frontage, the lowest floor shall be a minimum of twelve (12) inches above the or crown of the nearest street or road, whichever is greatest. **This requirement may be waived with an approved site drainage plan, from a design professional. Neither method can create an adverse impact.**

g. The Town is not responsible for drainage of surface water.

h. **Driveway specifications**:

1. All driveways shall be 10 feet minimum width consisting of an all-weather surface.
2. Off street parking pads shall be 10 feet by 20 feet consisting of an all-weather surface.
3. No shell, gravel, crushed limestone, slag, or similar loose material shall be permitted within four feet (4') of a road or two feet (2') of a sidewalk (acceptable materials include asphalt, concrete, pavers, or other non-eroding material).
4. No drive or walk may be so constructed as to result in an obstruction or tripping hazard over or across an established sidewalk.
5. Neither driveways nor sidewalks may be constructed over or around a utility service box.
6. If a driveway is surfaced with brick, cobblestones, etc. there must be a concrete base or a product specification base.
7. If the driveway is installed over a culvert, the culvert must be sized and approved by the Public Works Department or highway department of authority.
8. Culvert headwalls are required and shall be constructed from concrete with a slope of not less than 3:1 or designed to the highway department of authority specifications.
9. Vertical alignment of the driveway surface must be the same elevation as the public access road.

36. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

37. Repealer. That this ordinance is intended to update and amend various prior ordinances. Any prior ordinances which conflict with this ordinance are hereby repealed and superseded by this ordinance, including, but not limited to, Sections 4-1, 4- 2(c) and Section 8-2, Code of the Town of Summerdale.

38. Public Notice. That this ordinance shall be published as required by law.

39. "The terms and provisions of this ordinance are severable. If any part or portion of this ordinance is declared invalid, void, or unconstitutional, that portion shall be deemed severed, and the remaining portions of the ordinance shall remain in full force and effect."

40. **EFFECTIVE DATE** The provisions of this Ordinance shall be in full force and become effective on July 1, 2025 in the Town of Summerdale and when publication, as required by law.

Adopted this on the 9th day of June 2025.

Mayor David Wilson

Attested by :

Tiffany Lynn, Clerk