

ORDINANCE NO. 17-2358

An ordinance of the City of Hoover to modify Chapter 6 Building and Building Regulations, Article I In General, Sections 6-3(a) and 6-5; to add Sections 6-6 and 6-7 thereto and to repeal all ordinances and parts of the ordinances of the City of Hoover in conflict therewith.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Hoover, in regular meeting duly assembled, a quorum being present, as follows:

Section 1. Modification of Chapter 6 Buildings and Building Regulations, Article I. In General,

A. Chapter 6, Article I, Section 6-3(a) of the *Municipal Code of the City of Hoover, Alabama* is hereby amended by deleting Section 6-3(a), including Section 6-3(a)(1), but without deletion of/revisions to Sections 6-3(a)(2) through 6-3(a)(8) and replacing it with the following:

Sec. 6-3. – Permits.

(a) Each person engaged in excavation work, street paving, street repairing, building or constructing any individual building or remodeling, adding to, air conditioning, commercial roofing, commercial reroofing, storage tanks, fire sprinkler systems or repairing any existing building, shall submit plans of each building, construction, addition, remodeling, air conditioning, commercial roofing, commercial reroofing or repair, and copies of bona fide signed contracts or other evidence of cost of the above referred to work to the building inspector and shall, before beginning such work, take out and secure a building permit for each building, construction, extension, remodeling, air conditioning, commercial roofing, commercial reroofing, or repairing from the city. For the purpose of determining the fee for the issuance of a building permit, the evaluations of the requested work shall be determined by bona fide signed contracts or other evidence of cost as submitted by the persons, firms or corporations requesting a building permit; however, in no event shall the evaluation of new structures or additions be less than the average cost of construction as set out in the International Code Council Building Evaluation Data published, as revised, published bi-monthly beginning in February 2017. The following charges shall be made for the issuance of building permits based on the contract or estimated cost as referred to herein:

- (1) Construction or repair of building or structure:
 - a. One dollar (\$1.00) to one thousand dollars (\$1,000.00):
Fifty dollars (\$50.00)
 - b. One thousand one dollars (\$1,001.00) and above: Eight Dollars and fifty cents (\$8.50) per thousand or a fraction thereof together with a base rate of one thousand five hundred dollars (\$1,500.00) for each new residential dwelling unit (townhouse, dwelling house, condominium and each apartment unit).

For each commercial building, the rate shall be eight dollars and fifty cents (\$8.50) per thousand or a fraction thereof.

B. Chapter 6, Article I, Section 6-5 of the *Municipal Code of the City of Hoover, Alabama* is hereby amended by deleting Section 6-5 in its entirety and replacing it with the following:

Sec. 6-5. – Inspections Prior to Issuance of Certificate of Occupancy or Completion.

At various intervals during the construction process, building inspections and fire officials shall inspect or cause to be inspected all construction or work for which a permit is required, and a final inspection shall be made of every building or structure upon completion, prior to the issuance of the Certificate of Occupancy, as required in Section 111 of the International Building Code. Where any additional or extra inspection is required on any undertaking due to the failure of the permit holder to comply with a provision(s) of any code adopted by the city, a "Special Inspection Permit" shall be required and obtained for each such inspection. There shall be an additional advance charge of \$75.00 for each additional inspection and/or testing. A Special Inspection Permit shall also be required anytime that a building inspections and/or fire official finds that construction testing does not pass requirements as set forth by any code adopted by the city and another testing is required to determine code compliance.

C. Chapter 6, Article I, Section 6-6 of the *Municipal Code of the City of Hoover, Alabama* is hereby added and shall read as follows:

Sec. 6-6. – Fees: Weekend, Holiday and/or After Hours Inspections, Re-inspections, Testing and Re-testing.

Fees for weekend (after 3:30 pm on Friday afternoon until open for business on Monday morning), holiday and/or after hours (before 7:00 am and after 3:30 pm, Monday through Friday) inspections, re-inspections, testing and re-testing shall be paid prior to the inspection and shall be in addition to all other fees. Such fee(s) shall be as follows:

- (1) The minimum fee shall be \$50.00 for the first hour or portion thereof of employee time, plus \$50.00 for each additional hour or portion thereof. This time shall be calculated from the time that such employee leaves his/her city office until the time that he/she arrives back to his/her city office following the inspection and/or testing.
- (2) Travel time will be added to the inspection time with the minimum fee being \$200.00 for the first four hours or any portion thereof. Travel time required after this amount shall be an additional \$50 per hour thereafter for any hour or portion thereof.

D. Chapter 6, Article I, Section 6-7 of the *Municipal Code of the City of Hoover, Alabama* is hereby added and shall read as follows¹:

Sec. 6-7. – Hoover Code Appeals Board.

- (a) *Hoover Code Appeals Board created.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the Municipal Code of the City of Hoover unless otherwise provided for by law, the Hoover Code Appeals Board is hereby created. The members of the Hoover Code Appeals Board and any alternates therefor shall be appointed by the mayor and approved by resolution of the city council.
- (1) *Member Qualifications.* All members of the board, including any alternate member, shall be bona fide residents and qualified electors of the City of Hoover and not employees of the city. The Hoover Code Appeals Board shall consist of five (5) members and one (1) alternate member who, by education, experience and knowledge, are all qualified by experience and training and deemed competent to sit in judgment on code enforcement matters.
- (2) *Member terms.* The members and any alternate shall all serve for a term of three (3) years or until a successor has been appointed by the mayor and approved by resolution of the city council.
- (3) *Vacancy on the board.* In the event a vacancy occurs on the code appeals board, the alternate member will fill the vacancy thereby created and have the same authority and responsibility as the member replaced. An alternate member who fills a vacancy on the code appeals board shall serve the remainder of the term of the member replaced.
- (4) *Removal of members.* Appointed members may be removed for cause by the city council upon council review of written charges against such member and after a public hearing on such charges before the council.
- (5) *Disqualification of member.* A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- (6) *Chairman.* The board shall select a chairman from among its members. The chairman shall serve until a successor has been selected by the code appeals board. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

¹ This section was previously numbered Section 6-5 of the *Municipal Code of the City of Hoover, Alabama*. With the exception of renumbering the section, no changes were made to the provisions of the Hoover Code Appeals Board.

- (7) *Secretary.* The board shall select a qualified clerk to serve as secretary to the appeals board. The secretary shall file a detailed record of all proceedings in the office of the code appeals board.
- (b) *Powers.* The Hoover Code Appeals Board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the appropriate code official in the enforcement of any code adopted by the city. The board shall have no authority to waive requirements of any code.
- (1) In exercising the above mentioned powers, the code appeals board may, in conformity with the provisions of this article, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the code official from whom the appeal is taken.
- (c) *Meetings of the code appeals board.*
- (1) *Meeting rules and regulations; meeting records.* The code appeals board shall establish rules and regulations for conducting its business and shall render all decisions and findings in writing by resolution to the code official and to the appellant. The board shall keep minutes of its proceedings. Such minutes shall show the vote of each member upon each question presented to the board, and the absence of a member or the failure of a member to vote. The board shall also keep records of its examinations and all other official actions, all of which shall be filed in the office of the board and shall be a public record.
- (2) *Notice of meeting.* The code appeals board shall meet upon notice from the chairman, within ten (10) days of the filing of an appeal or at stated periodic meetings.
- (3) *Open hearing.* All hearings before the code appeals board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.
- (4) *Board decision.* The code appeals board shall modify or reverse the decision of the code official by a concurring vote of a majority of the members of the code appeals board.
- (d) *Appeal of decision of Hoover Code Appeals Board.* Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court with jurisdiction of the matter to appeal a decision of the code appeals board.

Appeals shall be made in the manner and time required by law following the decision of the code appeals board.

- (e) *Order of code official stayed by appeal.* An appeal stays all proceedings in furtherance of the action appealed from, unless the code official from whom the appeal is taken certifies to the code appeals board, after the notice of appeal shall have been filed with such board, that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the appropriate court on notice to the code official and on due cause shown.

Section 2. ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Section 4. LEGAL RIGHTS NOT IMPAIRED. That nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

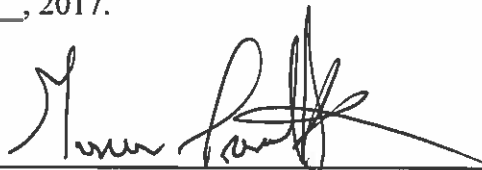
Section 5. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS. This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 6. PUBLICATION OF ORDINANCE. That the City Clerk of the City of Hoover is hereby ordered and directed to cause this ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

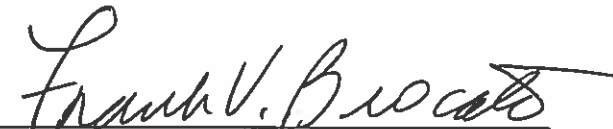
Section 7. EFFECTIVE DATE OF ORDINANCE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoover does hereby ordain, resolve, and enact the foregoing Ordinance for the City of Hoover.

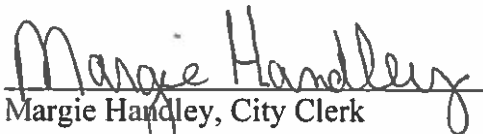
Done this the 18th day of December, 2017.


Gene Smith, President of the City Council

APPROVED THIS THE 18th DAY OF December, 2017.


Frank V. Brocato, Mayor

ATTESTED:


Margie Handley, City Clerk