

STATE OF ALABAMA)

COUNTY OF BALDWIN)

RESOLUTION #2019-075

OF THE

BALDWIN COUNTY COMMISSION

PROVIDING FOR THE ADOPTION OF NEW BUILDING LAWS AND CODES IN BALDWIN COUNTY PURSUANT TO AUTHORITY GRANTED AT SECTION 41-9-166 OF THE CODE OF ALABAMA 1975 AND SECTION 34-14 A-12 OF THE CODE OF ALABAMA 1975; AND OTHER APPLICABLE LAWS; FURTHER, REPEALING *RESOLUTION #2007-143 OF THE BALDWIN COUNTY COMMISSION*;

WHEREAS, upon the advice rendered by the Building Official of Baldwin County, Alabama, said Building Official recommends to this honorable county governing body, in the interest of the public health, safety and welfare of the general public, the adoption by the Baldwin County Commission of new building laws and codes applicable to Baldwin County, Alabama; and

WHEREAS, the Baldwin County Commission recognizes specific authority at Section 41-9-166 of the Code of Alabama 1975 and broad authority provided at Section 34-14A-12 of the Code of Alabama 1975 within the General Laws of the State of Alabama as relates to the adoption of said new building laws and codes, said authority recited as follows:

Section 41-9-166 of the Code of Alabama 1975

Adoption, etc., of building codes by municipalities and counties.

Any municipality in the State of Alabama may adopt any model building code published by the Southern Building Code Congress International and the National Electric Code published by the National Fire Protection Association as a municipal ordinance, enlarging the applicability thereof to include private buildings and structures other than private schoolhouses, hotels, public and private hospitals, and moving picture houses as it deems necessary and to prescribe penalties for violations thereof in the same manner in which other ordinances and related penalty provisions are adopted and prescribed.

Any county commission similarly may adopt and enlarge the applicability of any model building code published by the Southern Building Code Congress International and the National Electric Code published by the National Fire Protection Association for the county, prescribing penalties for violations thereof, by resolution duly recorded in its minutes and, after notice of four weeks, by publications once weekly in some county newspaper, if there is one published in the county, and posted notices at the door of each courthouse in the county.

Changes in the provisions of the building code affected by the building commission may be adopted similarly by counties and municipalities.

No county or municipality shall apply the building code to state buildings and construction of public schoolhouses.

Model building codes adopted by a county or municipality pursuant to this section only apply to structures and facilities on the customer's side of the electric meter and shall not apply to any electric power generation, transmission, or distribution on the electric service provider's side of the electric meter.

Nothing contained in this section shall be construed as requiring the advertising or posting of the code itself. The provisions of this section shall be satisfied by giving notice that it is proposed to adopt a code.

(Acts 1945, No. 290, p. 480, section 5; Act 2000-326, p. 522 section 1.)

Section 34-14A-12 of the Code of Alabama 1975

Standards of practice; building laws and codes.

- (a) The board is authorized to establish or adopt, or both, standards of practice for residential home builders within the state.*
- (b) The county commissions of the several counties are authorized and empowered to adopt building laws and codes by ordinance which shall apply in the unincorporated areas of the county. The building laws and codes of the county commission shall not apply within any municipal police jurisdiction, in which that municipality is exercising its building laws or codes, without the express consent of the governing body of that municipality. The building laws and codes of the county commission may apply with the corporate limits of any municipality with the express consent of the governing body of the municipality. The county commission may employ building inspectors to see that its laws or codes are not violated and that the plans and specifications for buildings are not in conflict with the ordinances of the county and may exact fees to be paid by the owners of the property inspected.*
- (c) Utilizing the same authority and procedures as municipalities pursuant to Section 11-53A-20 to 11-53A-26, inclusive, the county commission may condemn buildings, parts of buildings, or structures dangerous to the public and prohibit the use thereof and abate the same as a nuisance.*
- (d) The county commission, municipalities, and other public entities are hereby authorized to enter into mutual agreements, compacts, and contracts for the administration and enforcement of their respective building laws and codes.*

(Acts 1992, No. 92-608, p. 1282, Section 12; Act 2002-72, p. 163, Section 1; Act 2006-105, Section 1.)

; and

WHEREAS, applying the strict public notice and advertising requirements set forth at Section 41-9-166 of the Code of Alabama 1975, as Section 34-14A-12 of the Code of Alabama 1975 remains silent in relation to the same, and after the required four weeks public notification period as set forth by said Section 41-9-166 of the Code of Alabama 1975, the Baldwin County Commission conducted a public hearing on May 21, 2019, as relates to the adoption of the new building laws and codes; and

WHEREAS, at this time and upon the advice rendered by the Building Official of Baldwin County, Alabama, this honorable county governing body, in the interest of the public health, safety and welfare of the general public, adopts new building laws and codes applicable to Baldwin County, Alabama; now therefore

BE IT RESOLVED AND ORDAINED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, That, by this instrument, a resolution and ordinance of the governing body of Baldwin County, Alabama, and in the interest of public health, safety and welfare of the general public, we hereby adopt, effective commencing May 21, 2019, new building laws and codes applicable to Baldwin County, Alabama, as follows:

The following codes and supplements shall apply to all buildings and structures built within the unincorporated areas of Baldwin County or as otherwise required or allowed by state law:

International Building Code, 2018

International Gas Code, 2018

International Mechanical Code, 2018

International Plumbing Code, 2018

International Residential Code, 2018

International Energy Conservation Code, 2018

National Electric Code, 2017

Baldwin County Supplemental Code for Residential Structures in addition to the IRC, 2018

FURTHER, BE IT RESOLVED AND ORDAINED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, That, by this instrument, a resolution and ordinance of the governing body of Baldwin County, Alabama, and in the interest of public health, safety and welfare of the general public, we hereby adopt, effective May 21, 2019.

FURTHER, BE IT RESOLVED AND ORDAINED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, That, by this instrument, a resolution and ordinance of the governing body of Baldwin County, Alabama, the prior building laws and codes codified at *Resolution #2007-143* (adopted during the July 3, 2007, regular meeting), shall be rescinded and repealed commencing May 21, 2019.

DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the 21st day of May 2019.

Commissioner Charles E. Gruber, Chairman

ATTEST:

Wayne A. Dyess, County Administrator