

THE CITY OF HAMILTON  
ORDINANCE NO.: 2009-16

AN ORDINANCE ESTABLISHING A UNIFORM BUILDING CODE FOR ALL RESIDENTIAL AND COMMERCIAL STRUCTURES IN THE CITY OF HAMILTON AND THE SURROUNDING POLICE JURISDICTION

An ordinance to adopt the uniform building code (hereinafter "Hamilton Building Code") prescribing regulations governing the construction, erection, alteration or improvement of buildings, or such other regulations as the case may be, in the corporate limits and police jurisdiction of the City of Hamilton, Alabama, providing for the enforcement of said regulations, and prescribing penalties for the violation thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HAMILTON, ALABAMA, as follows:

Section 1. Pursuant to the authority granted to the cities and towns of Alabama by Section 11-45-8 of the Code of Alabama, 1975, as amended, there is hereby adopted by the City Council of Hamilton, Alabama, for the purpose of prescribing regulations governing the construction, erection, alteration or improvement of buildings, or such other regulations as the case may be, all of that certain code printed in pamphlet forms known as the 2006 International Building Code, 2006 International Residential Code and the 2006 International Fire Code, and the amendments thereto, but excluding any and all requirement for Radon testing in said codes and the requirement that on-site disposal containers are required of all instances wherein a permit is required pursuant to this Ordinance and Ordinance No. 2009-16, as the official "Hamilton Building Code" of the City of Hamilton, Alabama, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling with the corporation limits and police jurisdiction of the City of Hamilton.

Section 1A. The official "Hamilton Building Code" of the City of Hamilton, Alabama, and the provisions thereof, specifically applies to the construction, erection, alteration or improvement of residential and commercial basements, carports and swimming pools, and this shall be controlling with the corporation limits of the City of Hamilton

Any modification to an existing structure that entails a change of occupancy category (e.g. from residential to commercial) additionally requires an ICC Planning Board review, prior to review by the Hamilton City Council.

Section 2. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall severally, for each and every violation and noncompliance respectively, with each day constituting a new violation, be guilty of a misdemeanor punishable by fine not exceeding not less than Ten Dollars or by imprisonment for not less than 1 day, or by both such fines and imprisonment. The imposition of one penalty for violation shall not excuse the violation or permit it to continue. The application of the penalty shall not be held to prevent enforced removal of prohibited conditions.

Section 3. All former ordinances or parts thereof conflicting or inconsistent with provisions of this ordinance or of the code hereby adopted are hereby repealed.

Section 4. Should any section, paragraph, sentence or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City of Hamilton that it would have passed all other portions of this

ordinance and the code hereby adopted independent of the elimination there from or any such portion that may be declared invalid.

Section 5. This ordinance and the code hereby adopted shall take effect and be in force beginning on October 1, 2009.

Section 6. That nothing in this ordinance or in the Hamilton Building 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 inconsistent ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

ORDAINED THIS THE 21<sup>st</sup> day of September, 2009.

Mayor J. Robert Holliday, Jr.

ATTEST:

Jan Williams, City Clerk

McDavid Franks made a motion to approve Ordinance number 2009-16 and Paul Stidham seconded the motion which passed without opposition.