

ORDINANCE NO. 1602

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
ADOPTED JULY 24, 1989, AT CHAPTER 7
BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES ,
ARTICLE I. IN GENERAL,
TO ADD, DELETE AND CHANGE CERTAIN LANGUAGE
AT SECTION 7-2. ELECTRICAL PERMIT REQUIRED;
AT SECTION 7-6. SAME –SEAL ON PLANS; INSPECTION;
AT SECTION 7-9. SAME-APPLICABILITY TO STRUCTURES
OF CERTAIN ELEVATION;
AT SECTION 7-10. SAME-APPLICABILITY TO COMPLETED STRUCTURES;
AT SECTION 7-13. SAME-FIRE PROTECTION SYSTEMS, AND
SUBSEQUENTLY RENUMBER ING ALL SECTIONS THAT FOLLOW ;
AT SECTION 7-19. MOBILE HOME T IE-DOWNS AND ANCHORS;
AT SECTION 7-20. CLAYS AND SAND CLAYS, HAULING AND USING-
PURPOSE OF REGULATIONS;
AT SECTION 7-22. SAME-AREA IN WHICH PROHIBITED;
AT SECTION 7-23. SAME-PERMITS; PLANS;
ACCEPTING RESPONSIBILITY; AUTHORITY AS TO BACKFILL;
AT SECTION 7-24. SAME-GRANTING EXCEPTIONS ; AND
AT SECTION 7-26. UTILITIES TO BE UNDERGROUND
ON PRIVATE PROPERTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,
ALABAMA, WHILE IN REGULAR SESSION ON APRIL 12, 2010, as follows:

Section 1. That Chapter 7, BUILDINGS; CONSTRUCTION AND RELATED
ACTIVITIES, ARTICLE I. IN GENERAL, of the Code of Ordinances,
adopted July 24, 1989, be and it is hereby amended by deleting
certain language at Section 7-2. Electrical permit required, so the
entire Section shall read as follows:

CHAPTER 7 BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES

ARTICLE I. IN GENERAL.

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Sec. 7-2. Electrical permit required.

It shall be unlawful for any person to do or cause to be done any
installation, alteration, repair, or replacement of equipment or
systems covered by the provisions of the National Electrical Code as
adopted by the city without first having a proper electrical permit;
however, ordinary minor repairs may be made without a permit
provided that such repair is not in violation of any provision of
such National Electrical Code.

Section 2. That Chapter 7, BUILDINGS; CONSTRUCTION AND RELATED
ACTIVITIES, ARTICLE I. IN GENERAL, of the Code of Ordinances,
adopted July 24, 1989, be and it is hereby amended by changing
certain language at Section 7-6. Same-Seal on plans; inspection, so
the entire Section shall read as follows:

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Sec. 7-6. Same-Seal on plans; inspection.

The seal of a registered architect and/or engineer, duly licensed in the state, shall be required on construction plans for structures as required by State law and/or which the cost exceeds fifty thousand dollars (\$50,000.00), including structures permitted under the International Residential Code for structural requirements; and continuing construction inspection shall be required to be done by a registered architect or engineer licensed in the state, or by a duly authorized representative thereof licensed in the state, to verify and ensure that the structure is being built according to all applicable city ordinances and the requirements of the city building, plumbing, mechanical, gas, fire prevention and electrical codes. These inspections shall be in addition to all inspections required to be performed by the city building department.

Section 3. That Chapter 7, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, ARTICLE I. IN GENERAL, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing certain language at Section 7-9. Same-Applicability to structures of certain elevation, so the entire Section shall read as follows:

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ARTICLE I. IN GENERAL.

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Sec. 7-9. Same-Applicability to structures of certain elevations.

Sections 7-8 through 7-12 shall apply to any structure or portion thereof which is over fifty feet (50') above mean sea level requiring water service.

Section 4. That Chapter 7, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, ARTICLE I. IN GENERAL, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing certain language at Section 7-10. Same-Applicability to completed structures, so the entire Section shall read as follows:

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ARTICLE I. IN GENERAL.

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Sec. 7-10. Same-Applicability to completed structures.

(a) All structures, as specified in Section 7-9, now complete, shall not be subject to the provisions of Sections 7-8 through 7-12, with the exception that they shall have a double check valve assembly on the downstream side of the water service.

(b) All structures, as specified in Section 7-9, noncompleted, shall be subject to the provisions of Sections 7-8 through 7-12.

Section 5. That Chapter 7, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, ARTICLE I. IN GENERAL, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by removing Section 7-13. Same-Fire protection systems, in its entirety and subsequently renumbering all sections that follow.

Section 6. That Chapter 7, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, ARTICLE I. IN GENERAL, of the Code of Ordinances,

adopted July 24, 1989, be and it is hereby amended by deleting and changing certain language at Section 7-19. Mobile home tie-downs and anchors, so the entire Section shall become Section 7-18 and read as follows:

CHAPTER 7 BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES

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Sec. 7-18. Mobile home tie-downs and anchors.

Tie-downs shall be provided in all mobile home parks or any other place where mobile homes are located within the city. They shall be anchored in accordance with the State of Alabama Manufactured Housing Authority requirements.

Section 7. That Chapter 7, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, ARTICLE I. IN GENERAL, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing certain language at Section 7-20. Clays and sand clays, hauling and using-Purpose of regulations, so the entire Section shall become Section 7-19 and shall read as follows:

CHAPTER 7 BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES

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Sec. 7-19. Clays and sand clays, hauling and using-Purpose of regulations.

The purpose of Sections 7-20 through 7-24 is to regulate and prohibit the hauling and the use of clays, sand clays, and any other material that can be potentially discoloring to the natural white sands and to the waters, in certain areas of the city; and to regulate and require permitting for the use of clays or sand clays within the permitting jurisdiction.

Section 8. That Chapter 7, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, ARTICLE I. IN GENERAL, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing certain language at Section 7-22. Same-Area in which prohibited, so the entire Section shall become Section 7-21 and shall read as follows:

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Sec. 7-21. Same-Area in which prohibited.

(A)It shall be unlawful for any person to use any clays or sand clay mixtures (as provided in Section 7-20) in the following areas: All lands located south of State Highway 180 on the west side of State Highway 59; all lands located north of State Highway 180 west of the Peninsula subdivision; and all lands located south of County Road 2 (State Park Road) on the east side of State Highway 59.

(B)It shall be unlawful for any person to use any clays or sand clay mixtures (as provided in section 7-20) in all other areas of the city not covered by section 7-21 unless located within an enclosed foundation. For purposes of this section, an enclosed foundation shall consist of perimeter foundation walls placed on continuous footings, enclosing the area below the finished floor space.

Exception: Use of clays or sand clay mixtures may be permitted for private and/or public streets when authorized by the City Engineer.

Section 9. That Chapter 7, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, ARTICLE I. IN GENERAL, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing certain language at Section 7-23. Same-Permits; plans; accepting responsibility; authority as to backfill, so the entire Section shall become Section 7-22 and shall read as follows:

CHAPTER 7 BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES

ARTICLE I. IN GENERAL.

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Sec. 7-22. Same-Permits; plans; accepting responsibility; authority as to backfill.

(a) It shall be unlawful for any person to use any clays or sand clay mixtures (as provided in Section 7-20) in areas of the city and its police jurisdiction not specified in Section 7-21 without first obtaining a permit for such use from the building department.

(b) For septic tank pads, a permit may be obtained to haul, deliver, or use clays. For landscaping purposes, a permit may be obtained to haul, deliver, or use nonclay topsoil. The building official will collect a permit free in the amount of twenty-five dollars (\$25.00) and may require plans and drawings showing the location of the proposed use of the material, and before such use shall approve the method of containment of such material. The building official may require the owner or someone acting within the owner's authority to sign a statement accepting responsibility for any discoloration caused by the use of any clay or soil and for the responsibility to clean any discolored area and restore the area to its original condition prior to the use of such material.

(c) Notwithstanding the above prohibitions, any excavation of a street or roadway for repairs, or utility crossings, made pursuant to the provisions of the city excavation regulations, in which an existing clay sub-base is encountered, may be backfilled using the excavated material.

Section 10. That Chapter 7, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, ARTICLE I. IN GENERAL, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing certain language at Section 7-24. Same-Granting exceptions, so the entire Section shall become Section 7-23 and shall read as follows:

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ARTICLE I. IN GENERAL.

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Sec. 7-23. Same-Granting exceptions.

Any exception from the provisions of Sections 7-19 through 7-22 shall be granted by the building official or the city council. Any party who feels aggrieved by the decision of the building official may appeal that decision to the city council.

Section 11. That Chapter 7, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, ARTICLE I. IN GENERAL, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing certain language at Section 7-26. Utilities to be underground on private property, so the entire Section shall become Section 7-25 and shall read as follows:

CHAPTER 7 BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES

ARTICLE I. IN GENERAL.

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Sec. 7-25. Utilities to be underground on private property.

(a) All utilities on private property must be installed underground, within the corporate limits of the city and in the police jurisdiction.

(b) The city electrical code is hereby amended where necessary to comport with the foregoing requirement for underground utilities.

(c) Any person aggrieved by this section may appeal to the city council for an exception, and the city council may grant such exception if it deems, by majority vote, that the application of this section would be electrically unsafe to operate or maintain in the stated judgment of the installing power company, or would create an undue and extreme hardship, subject to meeting one (1) or more of the following guidelines:

The service to adjacent areas is predominantly overhead and it does not appear that further development in adjacent areas with underground utilities is possible.

The length of the run of the underground service would cause an excessive expense to the individual.

Unit densities do not exceed two (2) units per acre.

Regulatory controls by federal and/or state agencies require installation overhead.

Said person aggrieved by this section shall submit a written variance request with all supporting documentation to the city council at least two weeks in advance of the council's regular scheduled meeting. Any reliance on the installing power company judgment or federal and/or state agency regulations must also be provided in written form by the applicable company or agenda.

(d) The provisions of this section apply only to new construction and construction which is being upgraded for purposes of electrical service.

Section 12. That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 14th day of June, 2021.

Robert Craft, Mayor