

Mike Howell

STATE OF ALABAMA )  
COUNTY OF BALDWIN )

RESOLUTION #2007-143  
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 34-14A-12 OF THE CODE OF ALABAMA 1975; FURTHER, REPEALING RESOLUTION #2006-67 OF THE BALDWIN COUNTY COMMISSION, AS AMENDED BY RESOLUTION #2007-30 OF THE BALDWIN COUNTY COMMISSION AND REPEALING RESOLUTION #2003-78 OF THE BALDWIN COUNTY COMMISSION, AS AMENDED BY RESOLUTION #2007-30 OF THE BALDWIN COUNTY COMMISSION; AND, FURTHER, PROVIDING FOR A NEW BALDWIN COUNTY BUILDING INSPECTION DEPARTMENT FEE SCHEDULE RELATED TO SAID NEW BUILDING LAWS AND CODES.**

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 provided at Section 41-9-199 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, and corresponding new Baldwin County Building Inspection Department Fee Schedule, 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 Electrical 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 Electrical 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 publication once weekly in some county newspaper, if there is one published in the county, and by posted notices at the door of each courthouse in the county.*

*Changes in the provisions of the building code effected 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 shall 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 facilities 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 of notice that it is proposed to adopt a code.*

*(Acts 1945, No. 290, p. 480, § 5; Act 2000-326, p. 522, § 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 within 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 Sections 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 commissions, 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, §12; Act 2002-72, p. 163, §1; Act 2006-105, §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 34-14-A-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 June 11, 2007, as relates to the adoption of the new building laws and codes, and corresponding Baldwin County Building Inspection Department Fee Schedule; 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, and corresponding Building Inspection Department Fee Schedule; 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 September 1, 2007, new building laws and codes applicable to Baldwin County, Alabama, as follows:

- I. Shall apply to all building and structures built within the unincorporated areas of Baldwin County:

International Building Code, 2006  
International Gas Code, 2006  
International Mechanical Code, 2006  
International Plumbing Code, 2006  
International Residential Code, 2006  
National Electric Code, 2005

Baldwin County Supplement Code for residential structures in addition to the IRC, 2006

Local Wind Load Code – 3 second gust winds  
140 mph – South of U.S. Hwy 98  
130 mph – South of I-10 to North of U.S. Hwy 98  
120 mph – I-10 North to I-65  
110 mph – I-65 North to County line

**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 July 3, 2007, a new Baldwin County Building Inspection Department Fee Schedule as attached as *Exhibit "A."*

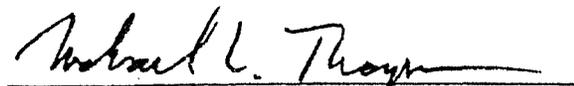
**FURTHER, BE IT RESOLVED AND ORDAINED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED,** That, by this instrument, a resolution and ordinance of the governing body of Baldwin County, Alabama, the prior building laws and codes codified at *Resolution #2006-67 of the Baldwin County Commission* (adopted during the February 21, 2006, regular meeting), as amended by *Resolution #2007-30 of the Baldwin County Commission* (adopted during the November 21, 2006, regular meeting) shall be rescinded and repealed commencing September 1, 2007.

**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 Baldwin County Building Inspection Department Fee Schedule codified at *Resolution #2003-78 of the Baldwin County Commission* (adopted during the August 5, 2003, regular meeting), as amended by *Resolution #2007-30 of the Baldwin County Commission* (adopted during the November 21, 2006, regular meeting) is hereby rescinded and repealed commencing July 3, 2007.

DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the 3<sup>rd</sup>  
day of July, 2007.

  
Commissioner Wayne Gruenloh, Chairman

ATTEST:

  
Michael Thompson, County Administrator