

**CITY OF DAPHNE
ORDINANCE 2019-25**

An Ordinance Providing for the Repeal of Ordinance 2012-40 Providing for the Adoption of Certain Technical Codes by Reference and Relating to Building Permit and Re-inspection Fees

WHEREAS, the City Council of the City of Daphne (the “City”) desires to promote the health, safety, and welfare of the citizens of the City by establishing uniform rules and regulations for the building, constructing, and all other related activities within the City of Daphne; and

WHEREAS, the City Council recognizes that the procedures set forth hereafter will protect both the City and its citizens and the owners of properties coming under the jurisdiction of this ordinance and made the subject of these procedures; and

WHEREAS, the City Council has determined that it is wise and prudent that certain sections of the City’s Building Permit and Re-Inspection Fee Table be tied to square foot construction costs as established from time-to-time by the International Code Council (“ICC”).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

Ordinance No. 2012-40 is hereby repealed in its entirety and replaced as follows:

SECTION 1: TECHNICAL CODES ADOPTED BY REFERENCE

(a) For the purposes of establishing uniform rules and regulations, the Council hereby adopts by reference the following codes and subsequent amendments issued thereto, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction, alteration, or repair of all buildings and other structures therein contained within the corporate limits of the City of Daphne:

- 1.) International Building Code, 2018 edition;
- 2.) International Fuel Gas Code, 2018 edition;
- 3.) International Plumbing Code, 2018 edition;
- 4.) International Mechanical Code 2018 edition;
- 5.) International Residential Code 2018 edition;
- 6.) National Electrical Code, 2017 edition,
Copyrights 2010 by the National Fire Prevention Association Incorporated;
- 7.) Alabama Energy Code for one and two family dwellings, 2015 International Energy Conversation Code with Alabama amendments;
- 8.) Commercial Energy Code, 2015 International Energy Conversation Code or ASHRAE 90.1, 2013;
- 9.) International Swimming Pool and Spa Code, 2018 edition
- 10.) City of Daphne supplemental Code for Residential Structures in addition to the International Residential Code 2018. (attached hereto as Appendix A)

(b) The following section of the International Residential Code, 2018 Edition, is hereby revised in its entirety to read as follows:

R.106.1 **Submittal documents.** Construction documents, special inspection, and structural observation programs and other data shall be submitted in two sets with each application for a permit prepared by a registered design professional for all new

residential homes and for additions exceeding 750 sq ft. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

EXCEPTION: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

(c) Section 105.2 of the International Building Code, 2018 Edition, is hereby amended to delete the following permit exemption in its entirety:

[Building]

“7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.”

SECTION II: BUILDING PERMIT FEE SCHEDULE & RE-INSPECTION FEES

(a) New Residential

For single family, duplex and townhome new residential construction, the permit valuation shall be calculated on a square foot basis utilizing standardized construction cost data published periodically in the ICC Building Valuation Data (“BVD”) as published by the ICC as follows:

- i. Heated and Cooled Spaces: 85% of the Square Foot Construction Costs set forth in the BVD using the “R-3 Residential, one- and two-family” ICC Group classification and the “VB” ICC construction type column.
- ii. Unheated/Uncooled Spaces: 100 % of the Square Foot Construction Costs set forth in the BVD using the “U Utility, miscellaneous” ICC Group classification and the “VB” ICC construction type column.

The initial ICC BVD in effect as of the effective date of this Ordinance is the February, 2019, edition attached hereto as Appendix B. Said BVD shall remain in effect for purposes of this Ordinance until March 1, 2020, on which date the most recently published February edition of ICC BVD valuation rates shall take effect through and until March 1st of the following year. Valuation rates shall renew each year thereafter on March 1st of each year using the most recently published February edition of ICC BVD valuation rates as of March 1st of each said year.

Permits will be \$30.00 for the 1st \$1,000.00 of the contract amount and \$5.00 for each additional \$1,000.00 thereafter. Permit holder will also be charged a plan review and Land Disturbance Permit fee.

Plan Review	\$25.00
Land Disturbance	\$100.00
Mechanical	\$110.00 flat fee
Plumbing	\$110.00 flat fee
Electrical	\$110.00 flat fee

Any new residential construction that is not single family, duplex and townhome construction shall subject to the Commercial Permits valuation methodology set forth in subsection c “Commercial Permits” below.

(b) Miscellaneous Permits

(Additions, Remodels, Repairs, Carports, Garages, Pools, Decks, Fences, Sunrooms, etc.)

Building	\$30.00 for 1st \$1,000 of contract amount, \$5 for each additional \$1,000 thereafter
Electrical	\$30.00 for 1st \$1,000 of contract amount, \$5 for each additional \$1,000 thereafter
Mechanical	\$30.00 for 1st \$1,000 of contract amount, \$5 for each additional \$1,000 thereafter
Plumbing	\$30.00 for 1st \$1,000 of contract amount, \$5 for each additional \$1,000 thereafter
Well Permit	\$50.00 flat fee

(\$30.00 minimum fee for all permits)

(c) Commercial Permits

Building	\$6.00 per \$1,000.00 of total contract amount. Permit holder will also be charged a Plan Review Fee and must provide proof of site fee payment from City of Daphne Community Development office.
Plan Review	\$100.00
Mechanical	1.5% of subcontractors total contract amount
Plumbing	1.5% of subcontractors total contract amount
Electrical	1.5% of subcontractors total contract amount
Well Permit	\$50.00 flat fee

(Commercial Building, Mechanical, Plumbing, and/or Electrical Permits will have a minimum fee of \$50.00)

* NOTE: The above permit fees set forth by the City of Daphne are in addition to any permit fees mandated by the State of Alabama, which at the time of the adoption of this ordinance are \$1.00 per \$1,000.00 of total contract amount.

(d) Re-Inspection Fees

Fees will only be applied to items on original list. Any new items will not be considered a re-inspection at the time of the next inspection. All re-inspection fees must be paid prior to the re-inspection.

1st Re-inspection	No Charge
2nd Re-inspection	\$50.00
3rd Re-inspection	\$100.00
4th Re-inspection	\$200.00

(e) Stop Work Fee

Any Stop Work Order issued will be charged \$100.00 for a re-inspection.

SECTION III: ADOPTION BY REFERENCE

The above referenced technical codes are hereby adopted as the Building Code of the City of Daphne. Copies of the above referenced codes are on file in the office of the City Clerk.

SECTION IV: REPEALER

Any Ordinance heretofore adopted by the Council, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION V: EFFECT OF REPEAL

- (a) The repeal of Ordinance No. 2012-40 does not revive any previously repealed ordinance.
- (b) The repeal of Ordinance No. 2012-40 does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal effect any suit, prosecution, or proceeding pending at the time of the repeal.

SECTION VI: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION VII: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne and publication as required by law.

APPROVED AND ADOPTED THIS 20th DAY OF May, 2019.



Dane Haygood, Mayor

ATTEST:



Candace G. Antinarella, City Clerk

**APPENDIX A TO ORDINANCE 2019-25
CITY OF DAPHNE SUPPLEMENTAL CODE IN ADDITION TO THE 2018
INTERNATIONAL RESIDENTIAL CODE**

The requirements specified in this Code Supplement apply to detached One and Two family dwellings not more than three stories above grade plane in height. The provisions of this supplement are intended to complement the locally adopted codes. The elements of design not addressed by the provisions of this supplement shall be in accordance with the locally adopted code. In the event a conflict between this document and the adopted code, the more stringent shall apply.

FOUNDATIONS

1. Compaction test shall be submitted to the Building Department prior to foundation inspection.

STRUCTURAL

1. Garage doors shall be rated to or above the applicable wind design load.
2. Wood frame chimney chases shall be structurally connected to rafters and/or ceiling joists. The attachment must be detailed in the plans or must meet the following minimum requirements:
 - a) Each corner of the chimney structure must have a tension strap fastened to the corner stud and continues downward to the roof and/or ceiling support members below. The tension strap must have a minimum tension capacity of 700 lbs. at each end.
 - b) Chimney framing shall be sheathed with minimum 7/16 inch structural panel on exterior four sides.
 - c) The base perimeters of chimney framing must be continuously supported by minimum 2 x 4 blocking fastened to roof framing members with joist hangers.
3. Exterior and Interior Shear walls and/or braced wall panel locations shall be indicated on the plans and shall be nailed in accordance with the engineered drawings but no less than 6 inches OC maximum intermediate and edge using 8d irregular shank (i.e., ring shank or spiral) nails with full round heads. All exterior walls and gable ends shall be fully sheathed with structural sheathing.

ROOF COVERINGS

ASPHALT SHINGLES – REQUIREMENTS

Wind Speed	Shingle Testing Standard/Classification
130 mph	ASTM D3161 Class F
130 mph	ASTM D7158 Class H

1. Asphalt shingles shall be installed according to the manufacturer recommended listed installation instructions for High Wind areas with minimum 6 nails.

2. All Asphalt shingle roof covering underlayment shall be of a synthetic tear resistant Polypropylene, polyester or fiberglass fabric certified by an approved testing Agency or ICC-ES report. The Building Official may approve an equal or higher performing product. Asphalt felt roofing underlayment shall not be installed as a roof covering underlayment.
 - a. Roof underlayment shall be installed and fastened in accordance with the Manufacturer's installation instructions. NOTE – Most Manufacturers' do not allow staples as an approved fastener or staple button caps.
3. **All Aluminum/Vinyl Soffit covering shall be attached to minimum 7/16 OSB or plywood or minimum 2 x 2 wood supports 8 inches OC maximum.**
4. Metal roof covering shall be fastened to roof assembly with a maximum 2 foot OC spacing of fasteners in the length dimensions of the panels. Minimum Number of fasteners in width dimension of the panel shall be no less than 4.
5. 1x4 or 2 x 4 wood purlins for attachment of metal roof coverings shall be a maximum 2 feet OC. Wood purlins shall be nailed with a maximum two deformed (spiral, ring shank) #16D nails at maximum of 24 inches OC.
6. Roof decks shall be nailed in accordance with the engineered drawings but no less than 6 inches OC maximum intermediate and edge, with minimum 8d irregular shank (i.e., ring shank or spiral) nails with full round heads. Staples are not permitted for fastening of the roof decking.
7. All new One and Two Family dwellings shall have a sealed roof deck. Roof deck seams shall be taped with a minimum 4" Peel and Stick tape meeting ASTM D-1970 to achieve a sealed roof deck or closed cell foam meeting ASTM D-1622 may be applied underneath to each side of framing member and sheathing seams.

ENERGY

1. Attic: minimum insulation R-38 Wall: minimum insulation R-13 floor: minimum insulation R-13
2. Batt insulation shall be cut neatly to fit around pipes and wires or be placed behind piping & wiring
 - a) Staple insulation to face of stud
3. Air permeable insulation shall not be used as a sealing material
4. Space between windows & door jams to be sealed
5. Corners, headers & sill plates shall be sealed
6. Rim joists are to be insulated
7. A continuous air barrier shall be installed in the building envelope
8. Break or joints in the air barrier shall be sealed (taped)
9. Access openings to un-air-conditioned spaces shall be sealed (weather stripping)
10. Building cavities shall not be used as ducts or plenums
11. Programmable thermostat shall be used
12. A minimum of 75% of lights used shall be of high efficacy

13. Recessed light fixtures shall be sealed to be airtight.
14. U factor of 40 must be used and also SHGC of .25 for windows.
15. At the time of rough-in inspection Peel and Stick aluminum backed tape or other approved material shall be applied to all edges of all windows to prevent air exchange.
16. All holes interior and exterior wall top plates shall be sealed with caulking or expandable foam.
17. Space around plumbing pipes penetrating interior or exterior wall top plates shall be sealed with caulking or expandable foam.

The City of Daphne Building Inspection Department may at any time inspect for compliance for items above.

PLUMBING

1. Pex supply piping shall be inspected at a minimum Pressure of 75 lbs.
2. Potable water supply at street pressure shall be connected to copper supply piping at time of inspection. Copper piping will be inspected at street pressure.
3. CPVC shall be tested at street pressure.
4. The Contractor responsible for construction shall call in for all 4-way inspections.
5. All Bathtubs and showers shall be connected to the drain waste and vent system at the time of top out inspection. **Exception: Whirlpool and Garden tubs may be installed after top out inspection. The trap servicing the whirlpool and garden tub shall be installed at the time of inspection.**

ELECTRICAL

1. All receptacles shall be supplied by a minimum #12 AWG protected by a 20 Amp Circuit Breaker.
2. General Lighting, Smoke/carbon monoxide Alarms shall be allowed to be supplied by a minimum #14 AWG protected by a 15 Amp Circuit Breaker.

FUEL GAS

1. Gas Supply Piping shall be galvanized piping from the point of connection at the meter to a point of transition at an accessible Union.

HVAC

1. Air Handler's return air filters shall have a minimum one square inch of filter for every 2 CFM of air the HVAC moves. This equals 200 CFM per ton of AC capacity. **Example: A 3 ton system will require a minimum of 600 square inch of return air filter area.**

MODULAR HOMES

1. Submit AMHC (Alabama Manufactured Home Commission) stamped plans.
2. Modular Homes shall be certified by an Alabama Registered Engineer to meet adopted wind loads.
3. Submit foundation plans and anchorage to foundation plan. Shall equal or exceed local adopted codes.
4. And other on-site construction shall require a separate permit by the Building Inspection Department.
5. Modular Homes shall be required to have a Final Inspection after exterior of structure and any on-site construction are complete.
6. Modular Homes shall be installed as per the engineered installation instructions.
7. Modular Homes shall be inspected for compliance with engineered instructions and any applicable current local adopted codes.
8. In factory construction and components are not the responsibility of the City of Daphne Building Inspection Department.
9. Existing houses that are moved from one site to another shall comply with Items 3, 4 & 5 and require a Final Inspection. Any new construction shall be in compliance with current adopted codes.

APPENDIX B
INITIAL ICC BUILDING VALUATION DATA

See attached of the International Code Council (ICC) Building Valuation Data –
FEBRUARY 2019.

NOTE: Pursuant to Section 2(A) of this ordinance, on March 1st of each year the most recently published February edition of the ICC BVD shall become the current version of the BVD utilized by the City of Daphne for new residential permit valuation purposes. A copy of the BVD table in effect may be obtained by contacting the City of Daphne Building Official.

Building Valuation Data – FEBRUARY 2019

The International Code Council is pleased to provide the following Building Valuation Data (BVD) for its members. The BVD will be updated at six-month intervals, with the next update in August 2019. ICC strongly recommends that all jurisdictions and other interested parties actively evaluate and assess the impact of this BVD table before utilizing it in their current code enforcement related activities.

The BVD table provides the "average" construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 109.2 of the 2018 *International Building Code (IBC)* whereas Section 109.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction.

ICC has developed this data to aid jurisdictions in determining permit fees. It is important to note that while this BVD table does determine an estimated value of a building (i.e., Gross Area x Square Foot Construction Cost), this data is only intended to assist jurisdictions in determining their permit fees. This data table is not intended to be used as an estimating guide because the data only reflects average costs and is not representative of specific construction.

This degree of precision is sufficient for the intended purpose, which is to help establish permit fees so as to fund code compliance activities. This BVD table provides jurisdictions with a simplified way to determine the estimated value of a building that does not rely on the permit applicant to determine the cost of construction. Therefore, the bidding process for a particular job and other associated factors do not affect the value of a building for determining the permit fee. Whether a specific project is bid at a cost above or below the computed value of construction does not affect the permit fee because the cost of related code enforcement activities is not directly affected by the bid process and results.

Building Valuation

The following building valuation data represents average valuations for most buildings. In conjunction with IBC Section 109.3, this data is offered as an aid for the building official to determine if the permit valuation is underestimated. Again it should be noted that, when using this data, these are "average" costs based on typical construction methods for each occupancy group and type of construction. The average costs include foundation work, structural and nonstructural

building components, electrical, plumbing, mechanical and interior finish material. The data is a national average and does not take into account any regional cost differences. As such, the use of Regional Cost Modifiers is subject to the authority having jurisdiction.

Permit Fee Multiplier

Determine the Permit Fee Multiplier:

1. Based on historical records, determine the total annual construction value which has occurred within the jurisdiction for the past year.
2. Determine the percentage (%) of the building department budget expected to be provided by building permit revenue.
- 3.

$$\text{Permit Fee Multiplier} = \frac{\text{Bldg. Dept. Budget} \times (\%)}{\text{Total Annual Construction Value}}$$

Example

The building department operates on a \$300,000 budget, and it expects to cover 75 percent of that from building permit fees. The total annual construction value which occurred within the jurisdiction in the previous year is \$30,000,000.

$$\text{Permit Fee Multiplier} = \frac{\$300,000 \times 75\%}{\$30,000,000} = 0.0075$$

Permit Fee

The permit fee is determined using the building gross area, the Square Foot Construction Cost and the Permit Fee Multiplier.

$$\text{Permit Fee} = \text{Gross Area} \times \text{Square Foot Construction Cost} \times \text{Permit Fee Multiplier}$$

Example

Type of Construction: IIB

Area: 1st story = 8,000 sq. ft.
2nd story = 8,000 sq. ft.

Height: 2 stories

Permit Fee Multiplier = 0.0075

Use Group: B

1. Gross area:
Business = 2 stories x 8,000 sq. ft. = 16,000 sq. ft.
2. Square Foot Construction Cost:
B/IIB = \$175.70/sq. ft.
3. Permit Fee:
Business = 16,000 sq. ft. x \$175.70/sq. ft x 0.0075
= \$21,084

Important Points

- The BVD is not intended to apply to alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs table does not reflect accurate values for that purpose. However, the Square Foot Construction Costs table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.
- For purposes of establishing the Permit Fee Multiplier, the estimated total annual construction value for a given time period (1 year) is the sum of each building's value (Gross Area x Square Foot Construction Cost) for that time period (e.g., 1 year).
- The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost takes into account everything from foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.

Square Foot Construction Costs ^{a, b, c}

Group (2018 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	246.61	238.50	232.82	223.18	209.86	203.80	216.12	191.69	184.50
A-1 Assembly, theaters, without stage	225.65	217.54	211.85	202.22	189.15	183.09	195.16	170.98	163.79
A-2 Assembly, nightclubs	191.96	186.56	182.12	174.70	164.94	160.39	168.64	149.29	144.33
A-2 Assembly, restaurants, bars, banquet halls	190.96	185.56	180.12	173.70	162.94	159.39	167.64	147.29	143.33
A-3 Assembly, churches	226.69	218.58	212.89	203.26	191.60	185.54	196.20	173.43	166.24
A-3 Assembly, general, community halls, libraries, museums	190.63	182.52	175.84	167.20	153.09	148.07	160.14	134.97	128.78
A-4 Assembly, arenas	224.65	216.54	209.85	201.22	187.15	182.09	194.16	168.98	162.79
B Business	197.81	190.62	184.70	175.70	160.65	154.63	168.95	141.15	134.99
E Educational	209.43	202.23	196.97	188.01	175.28	166.43	181.55	153.08	148.70
F-1 Factory and industrial, moderate hazard	117.60	112.19	105.97	101.84	91.54	87.26	97.61	75.29	70.95
F-2 Factory and industrial, low hazard	116.60	111.19	105.97	100.84	91.54	86.26	96.61	75.29	69.95
H-1 High Hazard, explosives	109.99	104.58	99.35	94.22	85.14	79.87	89.99	68.89	N.P.
H234 High Hazard	109.99	104.58	99.35	94.22	85.14	79.87	89.99	68.89	63.56
H-5 HPM	197.81	190.62	184.70	175.70	160.65	154.63	168.95	141.15	134.99
I-1 Institutional, supervised environment	197.83	191.05	185.12	177.91	163.28	158.81	178.06	146.98	142.33
I-2 Institutional, hospitals	330.92	323.73	317.81	308.81	292.72	N.P.	302.06	273.22	N.P.
I-2 Institutional, nursing homes	229.68	222.49	216.58	207.57	193.53	N.P.	200.83	174.02	N.P.
I-3 Institutional, restrained	224.86	217.67	211.75	202.75	188.96	181.94	196.00	169.45	161.29
I-4 Institutional, day care facilities	197.83	191.05	185.12	177.91	163.28	158.81	178.06	146.98	142.33
M Mercantile	142.95	137.54	132.11	125.68	115.38	111.83	119.62	99.73	95.77
R-1 Residential, hotels	199.70	192.92	186.99	179.78	164.90	160.43	179.93	148.60	143.96
R-2 Residential, multiple family	167.27	160.49	154.56	147.35	133.71	129.23	147.50	117.40	112.76
R-3 Residential, one- and two-family ^d	155.84	151.61	147.83	144.09	138.94	135.27	141.72	130.04	122.46
R-4 Residential, care/assisted living facilities	197.83	191.05	185.12	177.91	163.28	158.81	178.06	146.98	142.33
S-1 Storage, moderate hazard	108.99	103.58	97.35	93.22	83.14	78.87	88.99	66.89	62.56
S-2 Storage, low hazard	107.99	102.58	97.35	92.22	83.14	77.87	87.99	66.89	61.56
U Utility, miscellaneous	85.30	80.55	75.51	71.75	64.72	60.49	68.56	51.18	48.73

- Private Garages use Utility, miscellaneous
- For shell only buildings deduct 20 percent
- N.P. = not permitted
- Unfinished basements (Group R-3) = \$22.45 per sq. ft.