

1 HB614
2 160548-1
3 By Representative Wren
4 RFD: County and Municipal Government
5 First Read: 18-MAR-14

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8 SYNOPSIS: This bill would require a county or city
9 governing body to adopt one of several published
10 building codes as its minimum construction building
11 code, and would provide for exceptions.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 To require a county or city governing body to adopt
18 one of several published building codes as its minimum
19 construction building, and to provide exceptions.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) Except as provided in subsections (c)
22 and (d), each county and municipal governing body shall adopt
23 and amend as minimum building codes one of the following as
24 the State Uniform Construction Code:

25 (1) One of the last two adopted editions of the
26 International Building Code (IBC) and any specific appendix or

1 appendices as adopted and amended by the Alabama Energy and
2 Residential Codes Board.

3 (2) One of the last two adopted editions of the
4 International Residential Code (IRC) and any specific appendix
5 or appendices as adopted and amended by the Alabama Energy and
6 Residential Codes Board, with the exception of those
7 provisions that require the installation of a multipurpose
8 residential fire protection sprinkler system or any other fire
9 sprinkler protection system in a new or existing one- or
10 two-family dwelling.

11 (b) Other codes addressing matters such as
12 electrical, plumbing, mechanical, fire and fuel gas, and any
13 specific appendix or appendices as adopted and amended by the
14 Alabama Energy and Residential Codes Board.

15 (c) In addition to the codes required under this
16 section, subject to the provisions of subsection (d), a county
17 or municipality may adopt construction codes that are not less
18 stringent than the codes adopted in subsections (a) and (b).

19 (d) Within 120 days after this act becomes
20 effective, a county or municipality, upon resolution or
21 ordinance duly adopted and entered upon its minutes, may
22 choose not to be subject to the minimum building code
23 requirements imposed under this section.

24 Section 2. (a) (1) For purposes of this subsection,
25 "farm structure" means a structure that is constructed on a
26 farm, other than a residence or a structure attached to it,
27 for use on the farm, including, but not limited to, barns,

1 sheds, and poultry houses, but not public livestock areas. For
2 purposes of this subsection, "farm structure" does not include
3 a structure originally qualifying as a "farm structure" but
4 later converted to another use.

5 (2) The governing body of a county or municipality
6 shall not enforce any portion of any building code adopted by
7 this act that regulates the construction or improvement of a
8 farm structure.

9 (3) The exemption for a farm structure applies only
10 if, before constructing or improving a farm structure, the
11 person owning the property on which the structure is to be
12 constructed files an affidavit with the county or municipal
13 official responsible for enforcing the building code stating
14 that the structure is being constructed as a farm structure.
15 The affidavit must include a statement of purpose or intended
16 use of the proposed structure or addition.

17 (4) This section shall not affect the authority of
18 the governing body of a county or municipality to issue
19 building permits before an affidavit for the construction or
20 improvement of a farm structure is filed under subdivision
21 (3).

22 (b) This section shall not apply to any floodplain
23 management ordinance or regulation necessary for eligibility
24 for the National Flood Insurance Program, and any floodplain
25 management ordinance or regulation shall apply retroactively
26 to any construction or improvement permit granted for any

1 structure exempted under this section before the effective
2 date of this act.

3 (c) This act shall not apply to the construction or
4 improvement of a private unattached outdoor recreational
5 structure, such as a hunting or fishing camp. In order for a
6 structure to qualify as such a structure, the owner must file
7 with the county in which the structure is located his or her
8 signed affidavit stating under oath that the structure is a
9 hunting camp or fishing camp or other recreational structure,
10 as the case may be, that he or she is the owner or an owner of
11 the camp or structure, and that the camp or structure is
12 located in an unincorporated area of the county within, near,
13 or in close proximity to land upon which hunting, fishing, or
14 other activities legally may take place.

15 (d) This act shall not apply to the construction or
16 improvement of manufactured housing built according to the
17 Federal Manufactured Home Construction and Safety Standards
18 Act.

19 Section 3. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.