

## **Ordinance Number 2015-08**

THIS ORDINANCE ESTABLISHES THE RATE TO BE CHARGED FOR BUILDING PERMITS, BOTH RESIDENTIAL AND COMMERCIAL / INDUSTRIAL AND THE ISSUANCE OF BUILDING PERMITS TO DULY LICENSED PERSONS; AND TO REPEAL ORDINANCE NUMBER 2014-17.

### **Section I Introduction**

Whereas it is in the public interest to protect the health, safety and welfare of the citizens of the City of Lincoln, Alabama by monitoring, controlling, and regulating commercial and residential construction, both new and remodeling, within the corporate limits and the police jurisdiction of the City of Lincoln;

Now, Therefore, be it ordained and enacted by the City Council of the City of Lincoln, Alabama, as follows:

### **Section II Definitions**

The following definitions shall apply in the application of this ordinance:

1. *Building Plans*:
  - a. Commercial properties: a set of plans prepared by a registered design professional (licensed architect or engineer) for the construction of a commercial building. Building areas defined by an architect are acceptable for issuing a permit.
  - b. Residential properties: a set of plans for the purpose of construction of a residential building and approved by the city's code enforcement officer.
2. *Commercial building*: Building or structure constructed for non-human habitation such as but not limited to warehouses, retail stores, offices, semi-commercial buildings, service buildings, utility buildings, apartment buildings, condominiums, and similar structures of four stories or greater.
3. *Residential building*: Building or structure constructed for single or multi-family occupancy and human habitation, such as but not limited to single family homes, manufactured homes, modular homes, duplex apartments, apartment buildings and tri-plex apartments.
4. *SF*: Square footage as determined by area.
5. *Licensing authority*: The Code Enforcement Officer of the City of Lincoln, Alabama.

### **Section III Requirement for permit**

- A. It shall be unlawful and no person shall commence construction of any commercial building or residential building, within the City of Lincoln or its police jurisdiction

without first obtaining a building permit from the City of Lincoln prior to beginning any part of the construction.

- B. No building permit shall issue to any applicant for a permit for any undertaking which would require a license under any applicable state statute or city ordinance unless the applicant has furnished evidence that the applicant is either licensed as required by the applicable state statute or city ordinance or is exempt from the requirements of this licensing of by state statute or city ordinance. Nothing contained herein shall require a builder to pay license fees for subcontractors who will be involved in the construction for which the permit is being obtained as a condition of the issuance of a building permit or the issuance of a certificate of occupancy. The builder shall submit to the City of Lincoln a list of the subcontractors with correct physical address and phone numbers involved in the construction project within 15 days of the issuance of the building permit. Should the builder add any other subcontractor to the project, the builder will submit the subcontractor's name, address, and phone number to the City of Lincoln within three working days of hiring. An updated list of subcontractors shall be furnished by the builder before the issuance of a certificate of occupancy by the City of Lincoln.
- C. The licensing authority may refuse to issue a building permit to any applicant for failure of a contractor or subcontractor to comply with any state statute licensing requirements.

#### **Section IV Requirement for license – Contractors and Sub-Contractors**

All contractors, subcontractors and others performing work or services in the city shall purchase a business license prior to beginning any work.

#### **Section V Permit fees**

The following schedules define the rates to be paid for a construction permit for residential and commercial construction. Permits issued for work in the police jurisdiction will be calculated at one half of the rate. An issuance fee of \$12.00 will be added to each permit. Sites requiring a job board will be charged a \$10.00 fee to cover the cost of the job board.

**Building Permits:** based on gross job cost (materials plus labor)

Minimum permit fee shall be \$100.00

General Residential	\$3.00 per \$1,000.00
General Commercial	\$4.00 per \$1,000.00
Manufactured Home	\$100.00 single wide
	\$150.00 double wide
	\$200.00 triple wide

(Installer is responsible for obtaining permit prior to placing home on site.)

**Residential / Commercial: (per permit, per trade):**

**Electrical fees:** based on total square feet of building

**Roofing fees:** based on square footage of roof

**Mechanical fees:** based on heated/cooled square feet

0 –	999 SF	\$25.00
1,000 –	1,249 SF	\$40.00
1,250 –	1,499 SF	\$50.00
1,500 –	1,799 SF	\$65.00
1,800 –	2,249 SF	\$80.00
2,250 –	2,749 SF	\$100.00
2,800 –	3,249 SF	\$150.00
3,250 –	3,999 SF	\$200.00
4,000 –	4,999 SF	\$300.00
5,000 –	9,999 SF	\$400.00
10,000 –	14,999 SF	\$500.00
15,000 –	19,999 SF	\$600.00
20,000 –	49,999 SF	\$700.00
50,000 –	99,999 SF	\$800.00
100,000 –	199,999 SF	\$1,000.00
200,000 –	299,999 SF	\$1,500.00
300,000 –	500,000 SF	\$2,000.00

**Accessory structure:** \$25.00  
(Includes fences, decks, ramps, etc.)

**Manufactured Homes / Manufactured Home Park - Electrical:**

Manufactured home service and feeder \$25.00  
Manufactured home service or feeder only \$15.00

**RV Park Sites / Manufactured Home Park Sites - Electrical:**

1<sup>st</sup> service or feeder \$25.00  
Each additional service or feeder \$15.00 (if inspected at same time as 1<sup>st</sup> service)

**Low Voltage Fire Alarm / Burglar Alarm:**

0 – 2,500 SF \$25.00 (includes nurse call intercom, security systems & similar low energy circuits and equipment)  
each additional 500 SF \$5.00 (or portion thereof)

**Plumbing-Gas (new builds & existing structure):** permit shall be \$25.00 plus per fixture rates

Central heating furnace	\$3.00
Clothes dryer	\$2.50
Conversion burners	\$2.50
Floor furnaces	\$2.50
Infrared radiant heaters	\$2.50
Oven	\$2.50
Recessed heaters	\$2.50
Room heaters – vented	\$2.50
Room heaters – unvented	\$2.50
Manufactured home site outlet	\$3.00
Pressure test	\$2.50
Water heater	\$2.50
Yardline connection/ext line install	\$3.00

General repairs	\$2.50
Pumps	\$2.50
Piping @ 1 location	\$3.00
(each additional outlet)	\$1.00

**Plumbing-Water (new builds & existing structure):** permit shall be \$25.00 plus per fixture rates

Water closet / toilet	\$3.00
Bathtubs	\$3.00
Shower baths / shower only	\$3.00
Lavatories	\$3.00
Sinks	\$3.00
Urinals	\$3.00
Dishwashers	\$3.00
Garbage grinders	\$3.00
Washing machines	\$3.00
Drinking fountain	\$3.00
Floor drains	\$3.00
Indirect waste	\$3.00
Grease trap	\$3.00
Interior rain water system	\$3.00
Gas water heater	\$3.00
Electric water heater	\$3.00
Submersible pump	\$3.00
Atmospheric vacuum breaker	\$3.00
Pumps	\$3.00
Ejectors-grinder pump	\$3.00
Hydrants – shut-off valve	\$3.00
Back flow preventer	\$3.00
Exterior line install	\$25.00
Water service connection	\$25.00
Septic tank connection	\$25.00

**Swimming Pool permit fee:**

Fresh water	\$50.00
Salt water	\$75.00

**Demolition**

Residential	\$50.00
Commercial	\$75.00

**Sign / Banner Permit fee:**

Sign - \$10.00 plus \$0.25 per SF  
Banner – No Charge

**Site Prep / Excavation**

Less than 1 acre – 1 acre	\$10.00
More than 1 acre	\$75.00 (requires ADEM permit)

**Cell Tower Fee:**

New Tower	\$2,000.00
Repair / Additions	\$4.00 per \$1,000.00

**Re-inspection Fees:**

1 <sup>st</sup> Re-inspection	\$25.00
2 <sup>nd</sup> Re-inspection	\$50.00
3 <sup>rd</sup> or greater Re-inspection	\$100.00

**Inspections outside normal business hours of 8:00 – 5:00: \$25.00 per hr. (2 hour minimum)**  
(This fee is in addition to the regular permit fee and is payable prior to or at time of inspection.)

**Section VI Permit Intent & Expiration**

- A. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the City of Lincoln. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City of Lincoln shall not be valid.
- B. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The code enforcement officer is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of the City of Lincoln.
- C. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The code enforcement officer is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable care demonstrated. In such case of expiration no fees shall be refunded.

**Section VII Permit Request and Job Site Requirements**

The following requirements shall be adhered to prior to beginning any work:

*Permit request requirements, to be submitted to the Code Enforcement Officer or their designee:*

- 1. A completed City of Lincoln permit application.
- 2. The required number of complete building plans: residential one (1); commercial three (3).
- 3. A copy of the plat or site plan indicating the proposed location of the structure to be built on the site.
- 4. Approval from the county health department for an approved septic tank and field lines if the structure is to be in an area in which public sewer is not available unless the structure will not require a septic tank and field lines.

5. All curb cuts require approval by the Code Enforcement Officer prior to the work being performed. All curb cuts along any State right-of-way require a permit from the Alabama Department of Transportation (ALDOT).

*Job Site Requirements:*

1. The building permit shall be displayed in a prominent place on the building site.
2. Toilet facilities for workers, employees, subcontractors and others is required to be placed on site at the beginning of construction unless such facilities are otherwise available.
3. A complete list of all contractors, subcontractors, suppliers or others that will be providing labor, contract services or materials to the job site must be provided to the Code Enforcement Officer, to include the complete name, business name, address and phone numbers and contract amount within 15 days of the permit issuance or 3 days from hiring, whichever first occurs.
4. Road cuts for utilities of any type are prohibited. Application for waiver may be made to the Code Enforcement Officer. Any waiver requires a bond from a sufficient surety to guarantee repair to any roads or other City property damaged by the road cut.
5. Spillage on the public roadway of materials shall be removed immediately and may be subject to an assessment for hazard materials clean up and removal by City employees.
6. Trash bins, dumpsters, receptacles and similar storage units for trash and garbage shall be located in a suitable and safe location and shall be of sufficient size for trash and garbage that will likely be generated by the project. Location of such trash bins on the street is prohibited.
7. Mud, dirt or gravel shall not be tracked onto the public roadway from the site.
8. In no event shall the project create a drainage problem for the adjacent land owners. A certified engineer's drainage plan may be required. All surface water runoff and control of silt from the worksite shall be maintained by the contractor.
9. Work sites are to be kept in an orderly and clean manner.

### **Section VIII Stop Work Order**

Upon notice from the code enforcement officer that work on any building or structure is being prosecuted contrary to the provisions of this ordinance or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the code enforcement officer to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

### **Section IX Roads Used by Contractors**

Any contractor in the performance of work, contract, or other activities shall be responsible for damage to any street or roadway in the city. Contractors at all times shall take appropriate action to prevent mud, dirt or gravel from being tracked onto a public street or roadway. Track type equipment shall not be driven on city streets or roadways without taking appropriate action to prevent damage to the roadway. Any work that requires disturbance of a public roadway shall be

repaired in a professional manner, that being: dense grade base being utilized; appropriate compaction; and resurfacing with similar or superior wearing surface. Contractors shall at all times prevent the spillage of material on to the public roadway or streets. If a spillage occurs the contractor shall take immediate action to remove the material. Contractors purchasing concrete shall instruct the delivery driver that the truck and equipment are to be cleaned on site or at an approved site. The drainage ditch bordering the public roadway is not an approved site for cleaning concrete trucks or equipment after delivery of concrete. A performance bond may be required.

## **Section X Utility Service Connections**

There shall be no temporary or permanent utility service hookup for water, sewerage or electrical service until such time that a building permit has been issued by the code enforcement officer. Electrical service shall only be provided by a licensed electrical service provider. An electrical service provider shall not permit electrical current to pass through its metering device to its customer's structure until such time that the customer displays to the electrical service provider the building permit issued by the code enforcement officer. All electrical hookups to the electrical service provider's metering device must be performed by a licensed electrician who must hold an electrical permit issued by the City of Lincoln code enforcement officer.

## **Section XI Exemptions**

- A. A building permit shall not be required for construction of facilities owned by the State of Alabama or a subdivision thereof, Talladega County, or the Talladega County the Board of Education.
- B. A building permit shall not be required for the erection, enlargement, or alteration or any residential building in the police jurisdiction of the City of Lincoln.
- C. A building permit shall not be required for the erection, enlargement, or alteration of any building upon any farm in the police jurisdiction of the City of Lincoln for the use of any farmer, provided the building is not a school, church, auditorium, or other building intended for the assembly or occupancy of people.

## **Section XII Penalties**

Any person, firm, corporation, contractor, subcontractor who shall erect or attempt to erect a structure or any construction for which a permit is required, located within the corporate limits or the police jurisdiction, by whatever name called, without first obtaining a permit for construction and providing the information required for the issuance of a permit from the City shall be in violation of this ordinance. Any person, firm, corporation, contractor, subcontractor who shall begin work without first obtaining the required permit(s) shall result in the responsible party being assessed double the regular permit fee.

Upon conviction of violating any provisions of this ordinance the fine shall be not less than one hundred dollars nor more than five hundred dollars and or imprisonment for not more than six months at the discretion of the municipal judge.

**Section XIII Severability**

The provisions of this ordinance are severable. If any provision, section, paragraph, sentence, or part thereof or the application thereof to any person or thing shall be held unconstitutional or invalid by any court of competent jurisdiction, such holding shall not affect or impair the remainder of this ordinance or the remaining persons or things to which it applies, it being the legislative intent to enact each provision, section, sentence, paragraph, and part hereof, and the application thereof, separately and severally from each other.

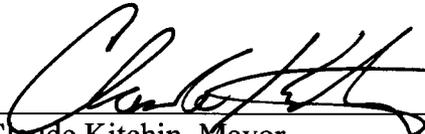
**Section XIV Repeal of inconsistent Ordinances**

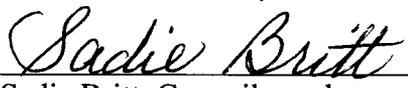
All ordinances or resolutions inconsistent, including but not limited to Ordinance 2014-17, with this ordinance are hereby repealed.

**Adoption and Effective Date**

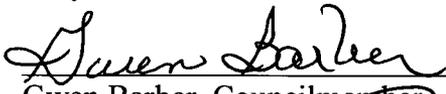
This ordinance shall become effective upon its publication as required by law.

PASSED AND ADOPTED THIS THE 14<sup>TH</sup> DAY OF APRIL, 2015.

  
\_\_\_\_\_  
Claude Kitchin, Mayor

  
\_\_\_\_\_  
Sadie Britt, Councilmember

  
\_\_\_\_\_  
Billy Pearson, Councilmember

  
\_\_\_\_\_  
Gwen Barber, Councilmember

  
\_\_\_\_\_  
Shelly L. Barnhart, Councilmember

  
\_\_\_\_\_  
Jean B. Burk, Councilmember

Attest:

  
\_\_\_\_\_  
Laura S. Carmack, City Clerk

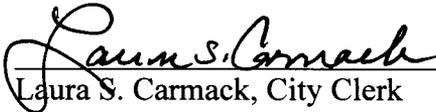
CERTIFICATION OF ORDINANCE NO. 2015-08

I, the undersigned, City Clerk of the City of Lincoln, do hereby certify that the above and foregoing ordinance was published by posting copies thereof in three (3) public places within the City of Lincoln, Alabama, said three (3) public places being:

- (1) the United States Post Office in the City of Lincoln, Alabama;
- (2) the City Hall in the City of Lincoln, Alabama;
- (3) the Public Library in the City of Lincoln, Alabama.

I further certify that said copies of said ordinance were posted by me on the 20<sup>th</sup> day of April, 2015.

This the 20<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_  
Laura S. Carmack, City Clerk