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## **ORDINANCE NO.**

AN ORDINANCE AMENDING THE CODES FOR THE ADOPTION OF THE 2024 INTERNATIONAL BUILDING (ICC) CODES AND REFERENCED COASTAL SUPPLEMENTAL PROVISIONS TO UPGRADE THE VARIOUS CODES RELATING TO THE INSPECTION ACTIVITIES OF THE CITY OF FOLEY AND ENFORCEMENT OF THE BUILDING PROVISIONS AND FIRE SAFETY AS PROVIDED IN SAID CODES

BE IT ORDAINED by the Mayor and Council of the City of Foley, Alabama at its meeting on the day of 2025 as follows:

- (1) The following codes or portions of codes be, and the same are hereby, approved and adopted by reference, except for the changes and exclusions listed (if any):

Building Permits for Habitable Structures - Road Frontage or Access criteria.

In addition to all other requirements, conditions, and reviews performed prior to issuance of a building permit, no building permit shall be issued for the new construction or expansion of a habitable structure unless the structure is located on a lot which: (1) has previously been approved as a subdivision lot by a Planning Commission; or (2) has frontage directly on a public or private street that was approved by a Planning Commission; or (3) has access to a public right-of-way via an easement or private street over the land of others that obtained prior approval and has been improved and that shall perpetually be maintained by others to the road construction standards of the City of Foley, including, but not limited to, those set forth in the Manual for Design and Construction Standards as last adopted by the City Council.

- (a) International Building Code, 2024 Edition, together with Appendices B (Board of Appeals), C (Group U - Agricultural Buildings), and I (Patio Covers); provided, however, the following sections and chapters are amended to read as follows and/or added to said code :

Section 101.1: (Insert) City of Foley, AL

Section 101.4.1: (Delete) Gas (International Fuel Gas Code)

Section 105.1.1: (Delete) Annual permit

Section 105.1.2: (Delete) Annual permit records

Section 105.5: (Insert) Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced, unless such shorter duration or different expiration terms are imposed on the permit due to special circumstances, such as nuisance abatement projects. The building official 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 cause demonstrated.

Section 109.3 Permit Valuations: (Delete and Add) "For new construction the valuation used to determine the applicable fee shall be calculated from the most current version of the Building Valuation Data published by the International Code Council, bona fide, signed contracts, local averages based on the square footage of the project, or any other evidence of the cost or value of the work."

Section 111.2 Certificate Issued. (Delete and Add): After the building official inspects the building or structure and does not find violations of the provisions of this code or other applicable laws enforced by the department, and after receiving approval for occupancy from the city's environmental, fire, and

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engineering departments, the building official shall issue a certificate of occupancy containing the following:

*Section 111.5:* (Add) Certificate of Completion. Upon satisfactory completion of a building, electrical, mechanical or plumbing permit, a certificate of completion may be issued. This certificate indicates a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.

*Section 114.4.1:* (Insert) Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building official, or of a permit or certificate used under provisions of this code, shall be guilty of a Building Code Violation, and upon conviction, punishable pursuant to Section 1-8 of the Foley Code of Ordinances. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

#### **COMMERCIAL DESIGN CRITERIA:**

Section 1609.3: (Insert) The basic design wind speed, shall be determined as follows:

RISK CATEGORY 1: 140 MPH

RISK CATEGORY 2:-155 MPH

RISK CATEGORY 3: 170 MPH

RISK CATEGORY 4: 176 MPH

*Section 1612.3:* City of Foley; April 19, 2019

*Section 1613:* DELETE IN ITS ENTIRETY

Section 2902.2: (Delete) Exceptions #5 and #6

#### **MEMBRANE STRUCTURES:**

1. Section 3102.1.1: (Add) Temporary Structures. A permit for a temporary membrane structure on a single commercial premise may be issued for a period not to exceed fourteen (14) consecutive days for a maximum of twelve (12) times per calendar year and must be used on the same lot as the permanent structure which it serves. A minimum of two (2) weeks is required between permit issuance periods. The required two (2) week period between permits may be waived if the membrane structure is being used along with a permanently occupied business, meeting all ordinances and regulations, and it is for a special event not longer than eight (8) weeks. Any structure outside these parameters will be considered permanent and would be subject to all requirements for permanent structures.

#### **TEMPORARY STRUCTURES:**

2. Section 3103: (Insert) Temporary Structures. A permit for a temporary structure may be issued for a period not to exceed six (6) months during a single calendar year. Mobile vendors may be issued a temporary permit not to exceed the limits set by the City of Foley Zoning Ordinance or other city regulations for a single calendar year.
- (b) International Residential Code, 2024 Edition, together with the Coastal Construction Supplement - 2024 edition as referenced herein, and Appendices BB (Tiny Houses), BD (Home Day Care-R3 Occupancy) BF (Patio Covers), & BO (Existing Buildings and Structures) ; provided, however, the following sections and chapters are omitted and not adopted:

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Section R101.1: (Insert) City of Foley, AL

Section R105.2: (Delete Item #7 and Insert the Following) "Prefabricated swimming pools that are 42 inches or less in depth."

Section R113.4.1: (Add) Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building official, or of a permit or certificate used under provisions of this code, shall be guilty of a Building Code Violation , and upon conviction , punishable pursuant to Section 1-8 of the Foley Code of Ordinances. Each day that a violation continues after due notice has been served shall be deemed a separate offense .

**RESIDENTIAL DESIGN CRITERIA:**

Table R301.2(1) - Climatic and Geographic Design Criteria - shall be amended as follows:

GROUND SNOW LOAD	0
WIND DESIGN:	
SPEED (MPH)	155
TOPOGRAPHIC EFFECTS	NO
SEISMIC DESIGN CATEGORY SUBJECT TO DAMAGE FROM:	A
WEATHERING	NEGLIGIBLE
FROST LINE DEPTH	12"
TERMITE	VERY HEAVY
WINTER DESIGN TEMPERATURE	30
ICE BARRIER UNDERLAYMENT REQUIRED	NO
FLOOD HAZARDS	April 19, 2019
AIR FREEZING INDEX	32
MEAN ANNUAL TEMPERATURE	66.7

Section R309.2 – (Delete in its entirety) One and two-family dwelling automatic sprinkler systems.

Section R310.3: Location -

Item (2) (Revise) Outside each separate sleeping area in the immediate vicinity of the bedrooms , within 21 ft of any door to a sleeping room, with the distance measured along a path of travel.

Item (7) (Insert) In the living Area(s).

Section R908.3: (Add) Total Roof Covering Replacement. Roof replacements shall include the removal of existing layers of roof coverings down to the roof deck. Reference the Coastal Construction Supplement (2024) Section S1.5 for more details related to residential re-roofing. If more than 25% of the total continuous roof covering area (**connected by overlapping materials**) of any existing building is being replaced, the entire roof covering shall be replaced and brought into compliance with the adopted building and supplemental codes, unless the undamaged area of the system is in compliance with current codes (verifiable by jurisdictional inspection records or approved 3rd party records).

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**RESIDENTIAL ENERGY CONSERVATION:**

Chapter 11: (Delete in its Entirety and Add) Alabama Energy and Residential Codes including all amendments, as set forth in sections 305-2-4-.07, 305-2-4-.09, and 305-2-4-.10 of the Alabama Administrative Code.

**RESIDENTIAL PLUMBING:**

Section P2503.4: (Delete and Add) The building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer, filling the building sewer with water and pressurizing the sewer to not less than 5-foot head of water. The test pressure shall not decrease during a period of not less than 15 minutes. The building sewer shall be watertight at all points.

A forced sewer test shall consist of pressurizing the piping to a pressure of not less than 5 psi greater than the pump rating and maintaining such pressure for not less than 15 minutes. The forced sewer shall be watertight at all points.

Section P2503.5.1 (Delete and Add) #1. Water test. Each section shall be filled with water to a point not less than 5 feet above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of 15 minutes. The system shall prove leak free by visual inspection.

Section P2503.6 (Insert) Shower Liner Test. The required shower liner testing is the responsibility of the installation contractor.

*Section P2603.5.1:* (Add) Sewer Depth. Building sewers that connect to private sewage disposal systems shall be not less than eighteen (18) inches below finished grade at the point of septic tank connection. Building sewers shall be not less than six (6) inches below grade.

*Section P3005.2.10.3:* (Add) Building Drain and Building Sewer Junction. Sewage line clean-outs shall be permanently protected from damage at ground level by a method approved by the building official.

**RESIDENTIAL ELECTRICAL:**

Section E3902.14, Exception 3: (Delete) "This exception shall expire September 1, 2026"

**COMMERCIAL PLUMBING:**

- (c) International Plumbing Code, 2024 Edition provided, however, the following sections are amended to read as follows and/or added to said code:

*Section 101.1:* (Insert) City of Foley, Alabama

Section 114.4: (insert) "as prescribed by section 1-8 of the Foley Code of Ordinances"

*Section 305.4.1:* (Insert) Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of eighteen (18) inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of six (6) inches below grade.

Section 403.2: (Delete) Exceptions #5 and 6

*Section 708.1.2.1:* (Add) Building Sewers. Sewage line clean-outs shall be permanently protected from damage at ground level by a method approved by the building official.

*Section 903.1.1:* (Insert) Roof Extension. All open vent pipes that extend through a roof shall be terminated at least six (6) inches above the roof.

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**COMMERCIAL MECHANICAL SYSTEMS:**

- (d) International Mechanical Code, 2024 Edition; provided, however, that the following sections are amended to read as follows and/or added to said code:

*Section 101.1:* (Insert) City of Foley, Alabama

Section 114.4: (Insert) “as prescribed by section 1-8 of the Foley Code of Ordinances”

**FIRE CODES:**

- (e) International Fire Code, 2024 Edition; and Appendices A, B, C, D, F, H and I; provided, however, the following sections are amended to read as follows and/or added to said code:

*Section 101.1:* (Insert) City of Foley, Alabama

113.4: (Insert) Fire Code Violation

Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Fire Code Violation, and upon conviction, punishable pursuant to Section 1-8 of the Foley Code of Ordinances. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 114.4:* (Insert) Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe, upon conviction, shall be liable and subject to penalties as found in the Foley Code of Ordinances, Section 1-8.

*Section 302.1:* Definitions - Definitions.

RECREATIONAL FIRE. An outdoor fire for pleasure, religious, ceremonial, cooking, warmth or similar purposes, burning material other than rubbish.

PORTABLE/FIXED OUTDOOR FIREPLACE. A portable or fixed, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable or fixed outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

*Section 307:* Open Burning.

Recreational Fire and Portable/Fixed Outdoor Fireplaces shall be amended as follows:

*Section 307.1.1.1:* (Add) No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained without first obtaining a permit or other proper authorization. During the construction or demolition of any structure, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.

Exception: A permit is not required for approved recreational fires or fires in portable/fixed outdoor fireplaces or approved containers.

*Section 307.1.1.2:* (Add) Only untreated wood and plant growth shall be permitted to be burned. Under no circumstances shall any treated or painted lumber, heavy oils, items containing synthetic or natural rubber, asphaltic materials, plastics, or refuse be burned.

*Section 307.1.1.3* (Add) Open fires permitted in this section shall not commence before 6:00 a.m. and no combustible material shall be added to the fire after 3:00 p.m. of each day permitted. The fire

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official may prohibit any or all open burning when local circumstances or atmospheric conditions make such fires hazardous.

*Section 307.1.1.4* (Add) Open burning of materials generated by major land clearing practices is prohibited in the corporate City limits of Foley.

Exception: The disposal of plant growth generated by major land clearing practices may be conducted only in an incinerator approved by the fire code official.

*Section 307.4:* (Add) Location. The location for open burning shall not be less than five hundred feet (500') from any structure, other than a structure located on the property on which the burning is conducted. Adequate provision shall be made to prevent the fire from spreading; and the location is not less than five hundred feet (500') from any public road, street or highway and is controlled so as not to create a hazard to health or traffic as a result of the smoke emitted.

Exceptions: Fires in approved areas or containers that are not less than fifteen feet (15') from a structure.

*Section 307.4.3:* (Delete and Add) Portable/Fixed Outdoor Fireplaces. Portable and/or fixed outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

*Section 307.6:* (Insert) Fire Code Official Authority. The requirements established in this section shall not prohibit the Fire Official from making exception to these requirements from time to time for purposes relating to the common good of the community.

*Section 308.1.4.1:* (Add) Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 ft. (3048 mm) of combustible construction. Propane cooking devices shall not be stored on combustible balconies.

Exceptions:

1. One- and two-family dwellings.

*Section 311.2.2:* (Delete and Add) Fire Protection. Fire alarm, sprinkler and standpipe systems shall be maintained in an operable condition at all times. Any impairment to or malfunction of the fire alarm, sprinkler or standpipe system shall be reported to the fire department.

Exceptions:

1. When the premises have been cleared of all combustible materials and debris and, in the opinion of the fire code official, the type of construction, fire separation distance and security of the premises do not create a fire hazard.
2. Where approved by the fire chief, buildings that will not be heated and where fire protection systems will be exposed to freezing temperatures, fire alarm and sprinkler systems are permitted to be placed out of service and standpipes are permitted to be maintained as dry systems (without an automatic water supply), provided the building has no contents or storage, and windows, doors and other openings are secured to prohibit entry by unauthorized persons.

*Section 503.2.2:* (Delete and Add) Authority. The fire code official shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

*Section 503.3:* (Delete and Add) Marking. Where required by the fire code official, approved signs or other approved notices or markings shall be provided for fire apparatus roads to identify such roads or

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prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Fire lane striping shall consist of six-inch (6") wide red background stripe with four-inch (4") high white lettering stating "NO PARKING FIRE LANE" at intervals not to exceed 25 feet. Fire lane marking shall be on the vertical surface of the curb unless otherwise approved by the fire code official.

*Section 901.2.1.1:* All sprinkler and fire alarm design drawings submitted to the fire department for review shall abide by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors' fire protection position statement. NICET certification does not replace the requirement for professional licensure. The designing of fire protection and detection systems is engineering and as such must be designed by or under the direct supervision of professional engineers qualified to design fire protection and detection systems. Only fire protection and detection designs that have been signed and sealed by a qualified Alabama licensed professional engineer shall be approved for construction.

*Section 901.2.1.1:* (Add) Construction Document Requirements. All sprinkler and fire alarm design drawings submitted to the fire department for review shall abide by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors' fire protection position statement. NICET certification does not replace the requirement for professional licensure. The designing of fire protection and detection systems is engineering and as such must be designed by or under the direct supervision of professional engineers qualified to design fire protection and detection systems. Only fire protection and detection designs that have been signed and sealed by a qualified Alabama licensed professional engineer shall be approved for construction.

*Section 901.2.1.2:* (Add) Contractor Qualification Requirements. Copies shall be submitted to the Code Official for review.

Restaurant Fire Suppressions Systems:

- The qualifier must be either manufacturer certified, which restricts them to that manufacturer, and/or NAFED/ICC certified in that field which would allow them to be unrestricted and service or maintain any system (This will not cover installation; maintenance only).

Hood Cleaning:

- Current certificate of training on hood cleaning in compliance with NFPA 96. Sprinkler Systems:
- Current sprinkler permit through the Alabama State Fire Marshal's Office and NICET certification. Fire Alarm Systems:
- Current fire alarm permit through the Alabama State Fire Marshal's Office and NICET certification. Must be a minimum of NICET II to perform technician work, or work under the direct supervision of a NICET II.

Fire Extinguishers:

Current certificate of training on portable fire extinguishers in compliance with NFPA 10.

*Section 903.2.8:* Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area except in one and two family dwellings in accordance with the State of Alabama Act 2010-185 mandate. However, if automatic sprinkler systems are voluntarily installed in one or two family dwelling they shall be installed as set forth in Section 903.3.

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*Section 903.3.7.1:* (Add) Fire Department Connections. The location of fire department connections shall be remote of the building, outside of the building's collapse zone, whenever possible. The collapse zone is a distance away from the building equal to the height of the exterior wall on the side of the fire department connection. The location shall be approved by the fire code official.

*Section 903.3.7.2:* (Add) All above ground piping exposed to the weather shall be insulated to protect from freezing.

*Section 1103.5.3:* (Insert) December 31, 2028

Appendix C:

*Section C101.1.1:* (Add) RV Parks shall be included in these requirements and RVs considered as one- or two-family dwellings.

Appendix D:

*Section D101.1.1:* (Add) RV Parks shall be included in these requirements and RVs considered as one- or two-family dwellings.

#### **PROPERTY MAINTENANCE:**

- (f) International Property Maintenance, 2024 Edition; provided, however, that the following sections are amended to read as follows and/or added to said code:

*Section 101.1:* (insert) City of Foley, Alabama

*Section 302.4:* (Insert) 12 Inches

#### **EXISTING BUILDING CODE:**

- (g) International Existing Building Code, 2024 Edition, together with Appendix A (Referenced standards); provided, however, that the following sections are amended to read as follows and/or added to said code:

*Section 101.1:* City of Foley, Alabama

*Section 105.1.1:* (Delete in its entirety)

*Section 105.1.2:* (Delete in its entirety)

#### **COMMERCIAL ENERGY CONSERVATION:**

- (h) The State of Alabama Energy Code, as amended by the State of Alabama, shall be implemented and enforced for new habitable commercial buildings and habitable residential buildings.

#### **COMMERCIAL ELECTRICAL CODES:**

- (i) NFPA 70, National Electric Code, 2023 Edition provided, however, the following sections are amended to read as follows and/or added to said code:

Article 90.4.1 (Add): Permanent power and temporary power connections to buildings and structures within the corporate City limits of Foley shall be approved by the Inspection Department.

Article 90.4.2 (Add): Upon issuance of a permit for major renovations, alterations, or repairs to either the structural elements of a building, or to the electrical system, electric power service shall be converted to a temporary permanent status, and shall be limited to a time period that is acceptable to the authority having jurisdiction.



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Article 90.4.3 (Add): All non-residential electrical work requires a properly licensed electrician as required by the State of Alabama.

Article 362.1.1 - Electric nonmetallic tubing type ENT, shall only be allowed for low voltage AC circuits not exceeding twenty four (24) volts and data-com.

**ELECTRICAL POWER CONNECTIONS:**

Article 100, Part I:

Temporary Power-Electric power service, permanently connected to buildings and structures, but limited to use for a specified period of time, and for the express purpose of testing and inspecting electrically powered systems and equipment installations during new construction, or during renovations, alterations, or repairs to existing structures or buildings.

Permanent Power- Electric power service, permanently connected to a building or structure to provide a continuous electric current source to operate electrically powered systems and equipment.

**SWIMMING POOLS AND SPAS:**

- (j) International Swimming Pool and Spa Code, 2024 Edition provided, however, the following sections are amended to read as follows and/or added to said code:

Section 101.1: (Insert) The City of Foley

Section 109.2: (Insert) "Swimming Pool and Spa Permit fees shall be in accordance with the fees prescribed herein."

Section 113.4: (SPECIFY OFFENSE) Code Violation

(AMOUNT) As outlined in §1-8 of the city code.

(NUMBER OF DAYS) As outlined in §1-8 of the city code.

Section 305.2.4: (Delete in its entirety and replace with) "SCREEN ENCLOSURES. Standard screen enclosures which meet the requirements of Section 305 may be utilized as part, or all, of the "barrier" and shall be considered a "non-dwelling" wall.

**MANUFACTURED HOMES:**

- (k) NFPA 501A, Manufactured Home Installations, Sites, and Communities, 2021 Edition.

**RECREATIONAL VEHICLE (RV) PARKS AND WHERE RV LOTS ARE ALLOWED:**

- (l) NFPA 1194, Recreational Vehicle Parks, 2021 Edition.

**WATER SUPPLY, SUBURBAN AND RURAL FIRE FIGHTING:**

- (m) NFPA 1142, Water Supplies, Suburban and Rural Fire Fighting, 2017 Edition.

**AMERICANS WITH DISABILITIES ACT:**

- (n) Accessible and Usable Building and Facilities, ICC/ANSI A117.1, 2017 Edition.

**SUBMITTAL DOCUMENTS:**

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1. Submittal documents required to be prepared by a design professional:
    - (a) Any new habitable structure. (Residential shall be sealed by a professional engineer, commercial shall be sealed per regulations set by the state architectural and/or engineering boards).
    - (b) Any residential addition over one thousand (1,000) square feet in area or that creates more than a fifty (50%) percent improvement to the structure shall be sealed by a professional engineer.
    - (c) Any residential remodel that affects the exterior loads or is considered a fifty (50%) percent improvement to the structure shall be sealed by a professional engineer.
    - (d) Any commercial addition that is over one thousand (1,000) square feet in area, increases the original structure to over twenty-five hundred (2,500) square feet in area or affects the loads, energy values or life safety plan of the original structure shall be sealed per regulations set by the state architectural and/or engineering boards.
    - (e) Any commercial remodel to a structure that is over twenty-five hundred (2,500) square feet in area or changes the structural load, energy values or life safety plan of the original structure shall be sealed per regulations set by the state architectural and/or engineering boards.
    - (f) Any built-on-site accessory structure over one thousand (1,000) square feet in area shall be sealed per regulations set by the state architectural and/or engineering boards.
    - (g) Any pre-built accessory, modular or manufactured structure shall be sealed per regulations set by the state architectural and/or engineering boards.
    - (h) Any free-standing sign with a face over thirty-two (32) square feet in area or more than nine (9) feet in height at the highest point shall have the loads sealed by a professional engineer.
    - (i) Any engineered product, such as a truss system shall be sealed by a professional engineer.
    - (j) Any geotechnical data shall be sealed by a professional engineer.
    - (k) Any new Commercial Mechanical, Electrical or Plumbing (MEP) system shall be sealed by a professional engineer.
    - (l) Any other project requiring a design professional as determined by the state architectural or engineering boards shall be sealed as required by the state boards.
    - (m) The submittal documentation for any habitable structure being built or modified in a Special Flood Hazard area shall also include a flood elevation certificate, prepared by a qualified surveyor, based off of the construction drawings.

The submittal information required for any new structure includes a code study, structural loads, energy values and/or commercial electrical, mechanical, plumbing and life safety plans.

\*EXCEPTIONS: Non-habitable structures or signage will not have to provide energy values.

**PERMIT EXCEPTIONS:**

3. Permit exceptions: Construction and construction-related activities which are being performed by or on behalf of the federal government, the State of Alabama, Baldwin County, or any departments, agencies, boards, divisions, or subdivisions of the same for their own use shall be exempt and excluded from the permits, permit fees, inspections, and inspection fees called for in
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this Article. The City of Foley shall be exempt and excluded from the permit fees and inspection fees. Subject to the forgoing, all construction and construction-related activities must conform to all applicable federal, state, county and local laws relating to the same, and it is the responsibility of the federal government, the State of Alabama, Baldwin County, the City of Foley, or the department, agency, board, division, or subdivision on whose behalf the work is being performed to ensure compliance with all applicable laws and ordinances. This section shall not exclude construction or construction-related activities which are merely funded, in whole or in part, by federal, state, county or municipal monies but which will not be owned or occupied by that governmental entity after the completion of the construction or construction-related activities.

#### **PERMIT FEES:**

##### **4. Permits and Fees.**

Section 1. Permit Fees shall read as follows: "Each person, firm, corporation or other entity engaged in any construction or construction-related activity for which a City building permit is required shall, before the commencement of work, pay the appropriate building permit fee. For the purpose of determining the fee for the issuance of a building permit, the value of the requested work is determined by the City of Foley Inspection Department which may consider the most current version of the Building Valuation Data published by the International Code Council, bona fide, signed contracts, or any other evidence of the cost or value of the work. The following fees shall be charged for the issuance of building permits based on the total value of work, including materials and labor."

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:

1. Conditioned 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.
2. Unconditioned 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 August, 2023, edition attached hereto as a link to the ICC website (<https://www.iccsafe.org/>) and will be posted every six (6) months with the ICC update.

Any new residential construction that is not single family, duplex, or townhome construction shall be subject to the Commercial Permits valuation methodology set forth in Section 1 and Section 2.

(Ord. No. 326-84, §§ 1, 3, 2-20-84; Ord. No. 332-84, 4-16-84; Ord. No. 486-94, § 1, 11-7-94; Ord. No. 509-95, § 1, 5-15-95; Ord. No. 516-96, § 1, 1-15-96; Ord. No. 526-96, § 1, 7-15-96; Ord. No. 642-00, § 1, 5-15-00; Ord. No. 663-00, § 1, 9-5-00; Ord. No. 986-07, §§ 1, 2, 6-18-07; Ord. No. 1045-08, § 1(2), 5-12-08; Ord. No. 1200-12, § 1, 7-2-12; Ord. No. 13-1025, § 1, 1-7-13; Ord. No. 13-1043, §§ 1, 2, 11-4-13; Ord. No. 15-1013, §§ 1, 2, 6-1-15; Ord. No. 17-2028, § 1, 7-5-17; Ord. No. 17-2036, § 1, 9-5-17; Ord. No. 17-2037, § 1, 9-5-17; Ord. No. 18-2004, § 1(Att.), 3-5-18; Ord. No. 20-2005, § 1, 4-6-20; Ord. No. 23-2001, § 1, 1-17-23; Ord. No. 23-2025, 10-2-23)

State law reference(s)—Minimum building standards code, Code of Ala. 1975, § 41-9-160 et seq.

#### **Sec. 4-2. Reserved.**

Ord. No. 15-1013, § 1, adopted June 1, 2015, repealed § 4-2 which pertained to open burning and incinerators (Chapter 5 of the Fire Prevention Code) and derived from Ord. No. 282, adopted April 6, 1981; Ord. No.

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486-94, §§ 2—5, adopted Nov. 7, 1994; Ord. No. 509-95, § 1, adopted May 15, 1995; Ord. No. 516-96, §§ 2, 3, adopted Jan. 15, 1996; Ord. No. 526-96, §§ 2—7, adopted July 15, 1996; Ord. No. 642-00, § 2, adopted May 15, 2000; Ord. No. 663-00, § 2, adopted Sept. 5, 2000; Ord. No. 766-03, § 1, adopted Oct. 20, 2003; and Ord. No. 986-07, § 1, adopted June 18, 2007.

**Sec. 4-3. Reserved.**

**Sec. 4-4. Reserved.**

Sec. 1 of Ord. No. 22-2028, adopted June 6, 2022, rescinded Ord. No. 371-86, adopted July 7, 1986, from which § 4-4, land-disturbing activities—purposes, derived.

**Sec. 4-5. Reserved.**

Sec. 1 of Ord. No. 22-2028, adopted June 6, 2022, rescinded Ord. No. 371-86, adopted July 7, 1986, from which § 4-5, land-disturbing activities—permit required, derived.

**Sec. 4-6. Reserved.**

Sec. 1 of Ord. No. 22-2028, adopted June 6, 2022, rescinded Ord. No. 371-86, adopted July 7, 1986, from which § 4-6, land-disturbing activities—permit application; plans, fees; issuance or refusal of permit, derived.

**Sec. 4-7. Reserved.**

Sec. 1 of Ord. No. 22-2028, adopted June 6, 2022, rescinded Ord. No. 371-86, adopted July 7, 1986, from which § 4-7, land-disturbing activities—exemptions, derived.

**Sec. 4-8. Oil and gas drilling—Consideration by council.**

Each request for a drilling permit for a well to produce or explore for the production of petroleum products or natural gas within the city or the police jurisdiction thereof shall be considered on its own merits by the council. The council shall take into consideration the proposed location and the possible interference with the normal activities of the citizens of the city. Nothing herein contained shall be construed to prevent the city from referring the request for the permit to the planning commission for action or recommendation.

(Ord. No. 235, § 1, 2-20-78)

**Sec. 4-9. Same—Permit fees.**

If a permit is granted, the fee will be one hundred dollars (\$100.00) for drilling within the corporate limits, and fifty dollars (\$50.00) within the police jurisdiction.

(Ord. No. 235, § 2, 2-20-78)

**Sec. 4-10. Same—Enforcing official.**

The city building inspector shall be charged with the inspection and approval of all work, including, but not limited to, routes of ingress and egress, holding ponds, drainage facilities, etc., and enforcement of safety regulations.

(Ord. No. 235, § 3, 2-20-78)

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**Sec. 4-11. Same—Responsibility for compliance.**

The applicant for permit and all persons connected with or performing work which shall become a part of the site preparation, drilling, production, etc., shall be responsible for compliance with all safety regulations and rules, regulations and directives of all regulatory authorities and sections 4-8 through 4-10 shall not be construed to take precedence over such regulations, if a conflict exists, or relieve such persons from liability.

(Ord. No. 235, § 4, 2-20-78)

**Sec. 4-12. Reserved.**

Editor's note(s)—Ord. No. 790-04, adopted June 21, 2004, repealed § 4-12, which pertained to minimum elevation of ground floor or lower floor of all buildings and structures and derived from Ord. No. 455-92, §§ 1—4, adopted Jan. 20, 1992; Ord. No. 697-01, §§ 1, 2, adopted July 2, 2001; and Ord. No. 719-02, §§ 1—5, adopted Apr. 1, 2002.

**Secs. 4-13—4-19. Reserved.**