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APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 7/9/2020 630
MINUTE BOOK: 174
PAGE(S): 315-316

ORDINANCE NO. 1844-2

An ordinance to adopt a Fuel Gas Code for Jefferson County, Alabama.

WHEREAS, on the 9th day of July 2020, at a regular meeting of the Jefferson County Commission the following resolution was adopted:

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION, AS FOLLOWS:

Section A. That the Jefferson County Commission proposes to consider the adoption of an amendment of Ordinance 1844 gas code by ordinance as authorized by Act No. 676 of the Regular Session of the Legislature of Alabama of 1967, approved September 8, 1967, (Alabama Acts, 1967, pp. 1501-1503), and Act No. 1055 of the Regular Session of the Legislature of Alabama of 1975, approved October 10, 1975, (Alabama Acts, 1975, pp. 2116-2118), and will hold a public hearing thereon at the regular meeting of the Jefferson County Commission to be held in the Jefferson County Commission Chambers in the County Courthouse in Birmingham, Alabama, on the 9th day of July 2020, at 9:00 a.m. Said code shall be known as the "Fuel Gas Code of Jefferson County, Alabama, 2018."

Section B. That copies of said proposed "Fuel Gas Code of Jefferson County, Alabama, 2018," shall be filed in the office of the Director of the Development Services of Jefferson County, Alabama, Room B200, Courthouse by the 17th day of June, 2020, for the use and examination by the public during the regular business hours of said offices from said date until 9:00 a.m. on the 9th day of July 2020.

Section C. That the Building Official of Jefferson County, Alabama, be and he is hereby authorized, empowered and directed to cause fifteen (15) days' notice to be given of the time, place and purpose of the public hearing provided for in Section A of this resolution by publication of such notice for three (3) successive weeks in a newspaper of general circulation in Jefferson County, which said notice shall be in words and figures as follows:

NOTICE OF PROPOSAL BY THE JEFFERSON COUNTY COMMISSION TO ADOPT A
FUEL GAS CODE FOR JEFFERSON COUNTY, ALABAMA, BY ORDINANCE AND OF
A PUBLIC HEARING THEREON.

Notice is hereby given that the Jefferson County Commission proposes to consider the adoption of an amendment to the previously adopted fuel gas code for Jefferson County, Alabama, to be known as the "Fuel Gas Code of Jefferson County, Alabama, 2018," by ordinance, in order to update and amend the Ordinance 1844 and that a public hearing thereon will be held at the regular meeting of the Jefferson County Commission, in the Courthouse in Birmingham,

Alabama, at 9:00 A.M. on the 9th day of July 2020 for the consideration of the same. Three (3) copies of said proposed "Fuel Gas Code of Jefferson County, Alabama, 2018", (Consisting of the "2018 Edition of the International Fuel Gas Code" published by the International Code Council, Incorporated, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, and the "Special Provisions" which modify, revise or are in addition to provisions contained in the "2018 Edition of the International Fuel Gas Code") will be on file in the office of the Director of Development Services of Jefferson County, Alabama, Room B200, Courthouse by the 17th day of June 2020, for the use and examination by the public during the regular business hours of said offices from said date until 9:00 A.M. on the 9th Day of July 2020; and

WHEREAS, the Jefferson County Commission now finds that all the provisions of said resolution have been complied with:

NOW THEREFORE, BE IT ORDAINED BY THE JEFFERSON COUNTY COMMISSION AS FOLLOWS:

Section 1. That Ordinance 1844-2 amendment updates identified scrivener's errors, updates format and layout, and updates fees to be consistent with online permitting software. The "Fuel Gas Code of Jefferson County, Alabama, 2018", shall be effective and operative as such on and after the 3rd day of August, 2020, and on and after said date shall be binding in all unincorporated areas of Jefferson County, Alabama, and also in those parts of said county lying within the corporate limits of municipalities which have not adopted and are not enforcing municipal fuel gas codes.

Section 2. That, under this section, the Jefferson County Commission Minute Clerk shall spread said "Special Provisions" on the official minutes of the County Commission. (See the "Special Provisions" following Section 9 of this Ordinance.)

Section 3. That Ordinance No. 1844-2, the "Fuel Gas Code of Jefferson County, Alabama, 2018," adopted by the Jefferson County Commission on July 9, 2020, be, and the same is hereby amended, becomes effective as provided by said Section I; provided, however, that no cause of action nor any fine, forfeiture, judgment, penalty, right, remedy or defense accrued at said date, nor any prosecution or complaint pending at said date shall be in any manner released, affected, abated, or impaired by this ordinance or by the code adopted by this ordinance.

Section 4. That immediately after the adoption of this ordinance and in the presence of the Jefferson County Commission, the County Commission Minute Clerk shall further identify the said "2018 Edition of the International Fuel Gas Code", referred to in Section I hereof, which is before this Commission by appending thereto and signing a certificate in form substantially as follows:

"I, Millie Diliberto, County Commission Minute Clerk, hereby certify that the document (the "2018 Edition of the International Building Code" and the "2018 Edition of the International Fuel Gas Code") to which this certificate is appended is the document referred to in Section I of Ordinance No. 1844-2 adopted by the Jefferson County Commission at a regular meeting thereof held on this the 9th day of July 2020, and that I have signed this certificate in the presence of said Commission at said regular meeting on said date.

Millie Diliberto
County Commission Minute Clerk

The County Commission Minute Clerk shall carefully preserve this ordinance and said documents adopted by Section I hereof as the "Fuel Gas Code of Jefferson County, Alabama, 2018," as a part of the permanent records of her office.

Section 5. That it be, and hereby is proclaimed that the Code adopted by Section I hereof is on file with the Jefferson County Minute Clerk where the same may be inspected by the public and that the public is hereby notified of this ordinance by publication as set forth in Section 7 hereof.

Section 6. That prior to the 3rd day of August 2020, the effective date of the code adopted by Section I of this ordinance, a copy of this ordinance and of the code adopted by Section I of this ordinance shall be placed on the Jefferson County Web Site and made available to the general public at the office of the Development Services Department. A copy of this ordinance may be obtained at the Development Services Department for the cost of reproduction as established by the Jefferson County Commission Administrative Order 03-I, As Amended.

Section 7. That the County Commission Minute Clerk shall cause a true copy of this ordinance to be promptly published in a newspaper published and of general circulation in Jefferson County, Alabama, and shall carefully preserve in her office a thus published copy of said ordinance as a part of the permanent records of her office.

Section 8. That any person who knowingly violates any of the provisions of the "Fuel Gas Code of Jefferson County, Alabama, 2018," shall be subject to the penalty provided for by State Laws.

Section 9. That the provisions of this Ordinance are severable. If any part of the Ordinance is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SPECIAL PROVISIONS

Delete Chapter 1 of the “2018 Edition of the International Fuel Gas Code” and substitute in lieu thereof the following Chapter 1.

CHAPTER 1 – ADMINISTRATION

SECTION 101 – TITLE AND SCOPE

101.1 – TITLE

Provisions in the following chapters and sections shall constitute and be known and may be cited as the “Fuel Gas Code of Jefferson County, Alabama, 2018,” hereinafter referred to as “this Code.”

101.2 – CODE REMEDIAL

101.2.1. General - This Code is hereby declared to be remedial and shall be construed to secure the beneficial interest and purposes thereof, which are public safety, health, and general welfare, by regulating installation and maintenance of all gas piping and gas appliances.

101.2.2. Quality Control - Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein.

101.2.3 Permitting and Inspection - The inspection or permitting of any building or plan by Jefferson County, under the requirements of this Code shall not be construed in any court as a warranty of the physical condition of such building or the adequacy of such plan. Neither Jefferson County nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, nor for any failure of any component of such building, which may occur subsequent to such inspection or permitting.

101.3 - SCOPE

101.3.1. Applicability - The provisions of this Code shall apply in all unincorporated areas of Jefferson County and also in those parts of said county lying within the corporate limits of municipalities which have not adopted and are not enforcing municipal fuel gas codes to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances. They are intended to cover the design, fabrication, installation, tests and operation of such systems for fuel gases such as natural gas, manufactured gas, undiluted liquefied petroleum gases, liquefied petroleum gas-air or mixtures thereof. Special requirements for undiluted liquefied petroleum gases are set out in Chapter 4. These requirements are not intended to cover systems or portions for specific manufacturing, production processing and power generating applications, such as large and high pressure boilers, melting and treating furnaces, production ovens, etc., or for public utility piping in gas distribution and transmission systems, in gas compressing stations and in gas processing plants nor are these requirements intended to cover residential gas ranges, gas lights and outside gas-fired grills.

101.3.2. Federal and State Authority - The provisions of this Code shall not be held to deprive any federal or state agency, or any applicable governing body having jurisdiction, of any power or authority which it had on the effective date of the adoption of

this Code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

101.3.3. Appendices - The appendices included in this Code are not intended for enforcement unless specifically referenced in the code text or specifically included in the adopting ordinance.

101.3.4. Referenced Standards - Standards referenced in this Code shall be considered an integral part of this Code without separate adoption. If specific portions of a standard are denoted by Code text, only those portions of the standard shall be enforced. Where Code provisions conflict with a standard, the Code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

101.4 – MAINTENANCE

All gas installations, both existing and new, and all parts thereof, shall be maintained in a safe condition. All devices, or safeguards which are required by this Code in a system when installed, altered, or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of the gas systems.

101.5 – SPECIAL HISTORIC BUILDINGS

The provisions of this Code relating to the installation, alteration, repair, enlargement, restoration, replacement or relocation of a gas system shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as Historic Buildings when such systems are judged by the Director of Development Services to be safe and in the public interest of health, safety and welfare regarding any proposed alteration, repair, enlargement, relocation or replacement.

SECTION 102 – ORGANIZATION

102.1 – BUILDING OFFICIAL

A Building Official shall work in the Development Services Department and be appointed by the County Manager. Typically, the Building Official is the Building Inspection Services Manager or manager of the Building Division. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures to clarify the application of its provisions. Such interpretations, policies, and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

102.2 – INSPECTORS

The Governing Body of the County may appoint such number of officers, inspectors, assistants, and other employees to carry out the provisions of this Code. The Building Official and inspectors shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

102.3 – DEPUTIES

The Building Official may designate as his deputy an employee in the department who shall, during the absence or disability of the Building Official, exercise all the powers of the Building Official.

102.4 – RESTRICTION OF EMPLOYEES

An officer, inspector, assistant or employee connected with the department, except one whose only connection is as a member of the boards established by this Code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of gas installations or in the making of plans or of specifications therefore, except for property owned by him and after satisfying the Personnel Board rule of conflict of interest. No such officer

or employee shall engage in any work which is inconsistent with his duties or with the interests of the department.

102.5 – RECORDS

The Building Official shall keep, or cause to be kept, a record of the business of the Fuel Gas Section. All records shall be kept for a minimum of seven (7) years as required by the Records Disposition Authority for County Commissions approved by the Jefferson County Commission on January 16, 2001 and amended by the Authority on April 22, 2015. The records of the Fuel Gas Section shall be open to public inspection during regular business hours.

102.6 – MODIFICATIONS

Where there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for the individual cases, upon application of the owner or the owner's authorized agent, provided that the Building Official shall first find that special individual reason makes the strict letter of the code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modification shall be recorded and entered in the files of the Department of Development Services.

SECTION 103 - POWERS AND DUTIES OF THE BUILDING OFFICIAL

103.1 – RIGHT OF ENTRY

Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official may enter such building or premises in the areas described in 101.2 - CODE REMEDIAL at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this Code.

103.2 – STOP WORK ORDERS

Upon notice from the Building Official that work on any gas installation is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in a form acceptable to the local government and shall be provided to the owner of such property, or to their agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where any emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

103.3 – REVOCATION OF PERMITS

The Building Official may revoke a permit or approval, issued under the provisions of this Code, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. Administrative, technology or permit fees shall not be refunded in case of a revocation.

103.3.1 Misrepresentation of Application. The Building Official may revoke a permit or

approval, issued under the provisions of this Code, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. Permit fees shall not be refunded in case of revocation.

103.3.2 Violation of Code Provisions. The Building Official may revoke a permit upon determination by the Building Official that the construction, erection, alteration, repair, moving or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of this Code.

103.4 – NON-CONFORMING WORK

Any person, firm or corporation engaged in the gas fitting business doing any work that is subject to but not in conformity with the provisions of this Code, shall make the changes necessary for such work to conform to said provisions immediately upon being given written notice of such nonconformity by the Building Official. If the work has not been so changed after ten (10) days' notice from the Building Official, the said Building Official shall then refuse to issue any more permits on this project until the permit holder has conformed to all regulations pertaining to said work, or the Building Official shall issue a written order requiring the local gas company to disconnect the premises, where work is installed from the gas main, without further notice. The expense of disconnecting from said gas main shall be charged to the person, firm or corporation who installed such illegal work. Any person, firm or corporation having control of such work, failing or refusing to make said changes shall be punished, on conviction as provided in SECTION 113 - VIOLATIONS AND PENALTIES. It shall be unlawful for the property owner, or person in charge, or control of the property of any building, dwelling or dwelling unit to permit or maintain in or thereon any condition or situation concerning fuel gas, a condition or situation that is contrary to or in violation of any provisions of this Code, or any related code or law.

103.5 – UNSAFE INSTALLATIONS

All gas installations, regardless of type, which are unsafe or which constitute a hazard to human life, health or welfare are hereby declared illegal; and if not corrected or abated in accordance herewith, the same shall be punishable in accordance with SECTION 113 – VIOLATIONS AND PENALTIES hereof. The Building Official shall notify the owner or agent thereof in writing of the illegal gas installation along with notice of a date by which the required correction shall be made. Failure to timely make the required corrections or obtain an extension of the date shall authorize the Building Official to disconnect or order the discontinuance of gas service to the premises.

103.6 – REQUIREMENTS NOT COVERED BY CODE

Any requirement necessary for the safety, strength or stability of an existing or proposed gas installation, or for the safety of the occupants of a building or structure, not specifically covered by this Code, shall be determined by the Building Official, subject to the right of appeal to the Plumbing and Fuel Gas Board of Adjustments and Appeals.

103.7 – ALTERNATE MATERIALS AND METHODS OF INSTALLATIONS

103.7.1. Approval - The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed by this Code, provided any such alternate has been approved by the Building Official. The Building Official shall approve any such alternate, provided he finds that the alternate for the purpose intended is at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding its use.

103.7.2. Evidence of Compliance - The Building Official shall require sufficient evidence to enable him to judge whether proposed alternates meet the requirements of this Code for safety and health.

103.7.3. Tests - When there is insufficient evidence to substantiate claims for alternates, the Building Official may require tests of compliance as proof to be made by an approved agency at the expense of the applicant.

103.7.4. Test Procedure - Tests shall be made in accordance with generally recognized standards; but in the absence of such standards, the Building Official shall specify the test procedure.

103.7.5. Repeated Tests - The Building Official may require tests to be repeated if, at any time, there is reason to believe that an alternate no longer conforms to the requirements on which its approval was based.

103.8 – LIABILITY

103.8.1. This Code shall not be construed as imposing upon Jefferson County any liability or responsibility for damages to any person or property caused by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall Jefferson County or any officer, inspector, assistant or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector.

103.8.2. Any officer, inspector, assistant or employee, or member of the Fuel Gas Code Board of Adjustments and Appeals, charged with the enforcement of this Code, acting for Jefferson County in the discharge of his duties, shall not thereby render himself personally liable and is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, inspector, assistant, employee or member of the Fuel Gas Code Board of Appeals because of such act performed by him in the enforcement of any provision of this Code shall be defended by the County Attorney until the final termination of the proceedings.

SECTION 104 – APPLICATION FOR PERMIT

104.1 – WHEN REQUIRED

104.1.1. General - Any person, firm or corporation who desires to connect any gas piping with any gas distribution system or install appliances in any new or existing systems, structure or premises, or repair, or add to any existing gas system shall first make application to the Building Official and obtain the required permit for the work. Minor repairs may be made without a permit (except that permits shall be required in any case where the Building Official has given written notice requiring hazardous conditions to be corrected) only where no general repairs are necessary for such equipment and appurtenances to meet all requirements of this Code, and where no conditions exist which, if left unrepaired, would be detrimental to the health and/or safety of the occupants of the building or structure.

104.1.2. Optional Procedure for Five Hundred Employee Companies - Any person, firm or corporation operating any manufacturing plant or establishment that actively employs at least 500 persons in Jefferson County (herein called the company) and employs one or more full-time salaried engineers duly registered and licensed under the laws of the State of Alabama, and who desires to connect any gas piping with any gas distribution system or install appliances in any new or existing system, structure, or premises, or repair, or add to any existing gas system, and not be inspected as required in SECTION 107 – INSPECTIONS, shall first make application, signed by said engineer, for the gas

permit, and submit gas permit fees, prior to commencing any gas work on any such system, structure, or premises, and provided further that the said engineer shall, when gas work is completed, submit a Certificate of Completion on a form provided by the Building Official that shall include the certificate of said engineer and the company, that the work was done in compliance with all provisions of this Code and all other pertinent county ordinances and codes and that said engineer and company assumes full responsibility therefore of said fuel gas piping, appliances, or distribution systems.

104.2 – APPLICATION FORM

Permits shall be issued to any person, firm or corporation upon application bearing the signature of his/her, its, or their authorized Master Gas Fitter except as may be approved in 104.2 - WHEN REQUIRED 104.1.2. This code shall not be construed to prevent any contractor certified by the Alabama Board of Heating, Air Conditioning, and Refrigeration Contractors from installing, replacing or performing service or repair on natural gas fired heating / cooling appliances, excluding piping to them provided the installing contractor has a valid certificate issued by the Alabama Board of Heating, Air Conditioning, and Refrigeration Contractors. In the case of Liquefied Petroleum Gas the applicant must provide their Permit designation from the State Liquefied Petroleum Board indicating the work being permitted can be performed under their permit. The applicant shall provide the necessary information to obtain a fuel gas permit to the Department of Development Services. Application for a permit can be made in person or by mail, or online. It shall be unlawful for any person, firm or corporation to proceed with any gas installation or repair before the required permit or permission thereof has been issued or granted except as may be approved in 105.5 EMERGENCY PERMITS.

104.3 – DRAWINGS AND SPECIFICATIONS

104.3.1. Fuel Gas Application Requirements.

Plumbing Requirements - Application for a permit to install LP or fuel gas shall be accompanied by drawings and specifications and other necessary information as required by the Building Official to determine accurately the character of the work and compliance with this Code; provided, however, that drawings and specifications may not be required in the following types of installations:

1. For one or two family dwellings unless, in the opinion of the Building Official, the complexity of the installation is such as to necessitate the filing of plans and/or specifications to ascertain compliance with this Code.
2. For buildings having a single gas meter capacity of not more than 600 CFH, unless in the opinion of the Building Official, the complexity of the installation is such as to necessitate the filing of plans and/or specifications to ascertain compliance with this Code.

104.3.1.2. Additional Data. Drawings required shall clearly illustrate and, together with specifications, shall contain sufficient detail and data to indicate code compliance and character of the work substantially as follows:

1. Floor plan of each floor drawn to a scale of not less than 1/8" = 1 foot on a minimum sheet size of eleven inches by seventeen inches (11" x 17"), or electronically submitted.
2. Line drawings of the building gas piping system-no scale required, except the size and length of each run of piping shall be clearly indicated along with the BTU input of equipment to be connected to each runout or branch line.

3. Reference to Code: Such drawings and/or specifications shall be specific, and this Code shall not be cited as a whole or in part nor shall the term “legal” or its equivalent be used as a substitute for specific information.
4. All drawings and specifications required shall be submitted in duplicate or electronically.
5. When symbols are used, such symbols shall be identified in a symbol schedule on drawings.
6. The Building Official may require that drawings and specifications be prepared by an architect or engineer duly registered in the State of Alabama.
7. For general repairs of projects small in scope, the Building Official may, at their option, not require detailed drawings

104.4 – TIME LIMITATION

Application. An application for a permit for any proposed work shall be deemed to have been abandoned, becoming null and void 90 days after the date of application filing if no inspections have occurred.

Permit. An issued permit shall be deemed to have been abandoned, becoming null and void 180 days after the last scheduled inspection, unless the owner, or their agent, provides a written request to extend the permit demonstrating justifiable cause on a form provided by the County to the Building Official within 30 business days of expiration of said permit. The Building Official is authorized to grant one or more extensions of time for additional periods not to exceed 180 days each. Approved extensions shall incur a fee for each permit extension request. Permits that expire will need to have new a permit application and approval to continue work and will be assessed the original building valuation fee.

104.5 – EXAMINATION OF DRAWINGS

104.5.1. Plan Review - The Building Official shall examine or cause to be examined each application for a permit and the drawings and specifications and accompanying data which may be filed therewith, and shall ascertain by such examination whether the gas installation indicated and described is in accordance with the requirements of this Code and all other pertinent laws or ordinances.

104.5.2. Affidavits Accepted - The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the drawings and specifications submitted of the plumbing installation conform to all requirements of this Code and they may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Official upon completion of the installation, a Certificate of Completion that the plumbing installation has been installed in accordance with the requirements of this Code. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of this Code and the architect or engineer shall state in the Certificate of Completion that they assume full responsibility for compliance with all provisions of this Code and all other pertinent county ordinances and codes.

1.04.5.3. Affidavits Required - The Building Official may require a sworn affidavit from the registered architect or engineer who prepared the plans stating requirements in the preceding paragraph have been met, whenever in the opinion of the Building Official the size or complexity of the plumbing installation requires such affidavit.

104.6 - UTILITY COMPANY PERMITS

Unless specifically required elsewhere in this Code, no gas permit shall be required for the installation, maintenance, or repair of the facilities of a public utility corporation selling gas and regulated by the Alabama Public Service Commission, or a corporation engaged in the business of transporting and selling natural gas and regulated by the Federal Power Commission, or a municipal-owned or operated gas utility company selling natural gas when such utility is acting in the exercise of its functions as a utility. Gas meters are considered as part of the gas distribution facility.

SECTION 105 – PERMITS

105.1 – ACTION ON APPLICATION

105.1.1. Permit Issuance - The Building Official shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in an application for a permit and the drawings and specifications which may be filed therewith conform to the requirements of this Code, and other pertinent laws and ordinances, he/she shall issue a permit to the applicant.

105.1.2. Refusal To Issue Permits - If the application for a permit and the drawings and specifications which may be filed therewith describe work which does not conform to the requirements of this Code or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the drawings to the applicant with his refusal to issue such a permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefore.

105.2 – CONDITIONS OF THE PERMIT

105.2.1. Permit Intent - A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this Code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in drawings or in construction or of violations of this Code. See 104.4 TIME LIMITATION.

105.2.2. Permit Transferability - A permit may be transferable only for good cause, such as instances from death of the applicant/designee for said permit, terminating of the permit holder for work not complete, or other good cause as determined by the Building Official and approved by Director of Development Services, or designee. The permit shall not be in conflict with any other part of this Code, County code or State law and all outstanding fees shall be paid prior to permit transfer. There will be an administrative fee to transfer a permit.

105.2.3. Failure to Obtain a Permit - If any person commences any work on a gas installation before obtaining the necessary permit from the County is subject to the penalty prescribed in SECTION 113 – VIOLATIONS AND PENALTIES.

105.2.4. Suspension or Revocation - The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this Code.

105.2.5. Placement of Permit - The Fuel Gas Permit or copy shall be kept on the site of the work until the completion of the project. See 105.2.7. Posting of Permit for posting requirements.

105.2.6. Validity of the Permit - The issuance or granting of a permit shall not be interpreted to be a permit for, or an approval of, any violation of any of the provisions of this code or other ordinances of the County. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. 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 Building Official is authorized to prevent occupancy or use of a structure where in violation of this code or any of the ordinances of Jefferson County.

105.2.7. Posting of Permit - Work requiring a Fuel Gas Permit shall not commence until the permit holder or their agent posts the Fuel Gas Permit in a conspicuous place on the front of the premises, however it is preferred to keep the Fuel Gas Permit with any required drawings inside a permit/doc box. The location of the Fuel Gas Permit and any drawings shall be protected from the weather and located in such position as to allow the Building Official, or their authorized representative, to conveniently review and notate. When there is not a suitable place to post the Fuel Gas Permit and any associated plans, a permit/doc box shall be used not to exceed thirty-six (36) inches in any dimension. The Fuel Gas Permit shall be maintained and posted by the permit holder until the final inspection is issued by the Building Official.

105.3 – EMERGENCY PERMITS

Nothing herein shall make it unlawful for the Building Official to issue a permit prior to receiving the required application and fee for work under emergency conditions, as may be determined by the Building Official, provided all information required for the Fuel Gas Permit under Section 104 of this Code is given orally along with request for emergency permit, applied for online using the County’s online permitting system, or by telephone to the designated telephone number as posted on Department of Development Services internet site. Any person, firm or corporation obtaining an emergency permit or inspection shall within five (5) business days (Saturday, Sunday and holidays excluded) after the issuance of such emergency permit or the giving of such emergency inspection, remit to the Department of Development Services any fees in the amount required for such permit and/or inspection together with the required application as specified under Section 104 of this Code. If such fees are not paid within the above five (5) business days, a double fee shall be charged in accordance with SECTION 106 - FEES. An emergency permit or inspection may be given only under the following conditions:

- a. When it is necessary to immediately repair gas heating equipment, piping or appliances in order to protect the health, safety and welfare of occupants of any building or structure.

105.4 – WORK COMMENCING BEFORE PERMIT ISSUANCE

Whenever any person shall commence or proceed with any gas installation or construction work for which a permit is required by this Code without having first obtained such permit, said person shall take out a belated permit covering such work and pay fees identified in SECTION 106 – FEES, provided by law to be paid for a timely permit covering such work. Each additional violation within a twelve (12) month period of the last violation shall result in fee identified in SECTION 106 – FEES. The issuance of a belated permit hereunder shall not waive or otherwise affect in any manner a prosecution under SECTION 113 - VIOLATIONS AND PENALTIES of this Code.

SECTION 106 – FEES

106.1 – PRESCRIBED FEES

Before any permit is granted herewith, the person making application for such permit shall pay to the County a fee in such amount as specified herein.

106.2 – ACCOUNTING

The Building Official shall keep an accurate accounting of all permit fees and other monies collected, the names and vital contact information of all persons upon whose account the same was paid, the date and the amount thereof. Such accounting records shall be maintained for a minimum period of seven (7) years in accordance with state law.

106.3 – VOIDING OF GAS PERMITS

Before a fuel gas permit can be voided, it shall be the duty of the general contractor in charge of said permit to issue a statement to the Building Official, on their company letterhead, requesting the fuel gas permit be voided. The original permit must be voided prior to or immediately after the issuance of the new permit.

106.4 – SCHEDULE OF PERMIT FEES

If the installation, alteration, or maintenance of any fuel gas is a part of an overall permit for construction or renovation of a structure, the fees are included in the building fee. All additional fees incurred during construction for a particular property must be paid by the contractor or authorized agent prior to release of the utilities, the Certificate of Occupancy, or Certificate of Completion. Failed inspections fees are due prior to re-inspection and may be paid electronically.

106.4.1. Fuel Gas Fees - If the fuel gas work is independent of an overall building permit, the fees shall be as follows:

1. Administrative Processing Fee -- \$50.00 for all permit types and non-refundable.
2. Technology Cost -- \$10.00 for all permit types and non-refundable.
3. Permit Extension Cost:
 - a. \$50.00 Residential trade permits
 - b. \$100.00 Commercial trade permits
4. Trade Permit:
 - a. For a valuation up to and including \$5,000.00, the fee shall be \$50.00.
 - b. For a valuation over \$5,000.00, the fee shall be \$9.00 per thousand or fraction hereof.
5. Inspection:
 - a. Passed inspection – No charge
 - b. Incomplete or failed inspections -- \$55.00 each occurrence
 - c. After Hours inspections fee:
 - Up to 4 hours -- \$300.00
 - Each additional hour over 4 hours -- \$75.00
6. Work Commencing Before Permit Issuance:
 - a. First Offense: Double Permit Cost
 - b. Additional Offense: Triple Permit Cost
7. Stop Work Order – Double Permit Cost, per instance.
8. Architectural Plans Review, if plans are needed:
 - a. Residential plans \$100.00
 - b. Commercial plans \$200.00

106.5 – INSTALLATION, ALTERATION OR MAINTENANCE OF GAS SYSTEM OR APPLIANCE PERMIT VALUATIONS

If, in the opinion of the Building Official, the valuation of the fuel/gas work appears to be underestimated on the application, the permit shall be denied, unless the applicant can show

detailed estimated costs to meet the approval of the Building Official. Permit valuations shall include total costs for the work.

106.6 – FEES, HOW PAID

All fees for permits and inspections required under this Code shall be paid to the Department of Development Services, in the Birmingham Courthouse, by credit/debit card over the telephone, or online electronically. Cash payments are accepted but shall be exact change. Debit or Credit card payments are encouraged.

106.7 – REFUND OF FEES

Refund of fee's may be requested, however, where the claim for refund involves the duplicating or permitting of the same job more than once, no refund shall be made on the most current permit after sixty (60) days from date of issuance of most current permit.

- a. Refund of some fees paid for a building permit may be provided if the following conditions have been met:
 1. No work has begun by permit holder under said permit; and
 2. The filing by the permit holder of a refund claim with Jefferson County is made within six (6) months of the date of issuance of said permit.

The Administrative Processing Fee and Technology Cost fee are not refundable as processing of the permit application has already been performed.

SECTION 107 – INSPECTIONS

107.1 – INSPECTION REQUIRED

No one shall place into operation or service any new gas work, including portions of existing systems affected by new work or changes, until such work and systems are inspected and approved as hereinafter provided, to ensure compliance with all the requirements of this Code and to ensure the installation and construction of the gas system is in accordance with the approved plans.

107.2 – NOTIFICATION

107.2.1. Advance Notice - It shall be the responsibility of the Master Gas Fitter or the Liquefied Petroleum Gas Permit holder to give reasonable advance notice to the Building Official when gas work is ready for test or inspection. It shall further be the responsibility of the Master Gas Fitter or LP- Gas Permit holder to see that the premises and the work are available and accessible to the Building Official or his representative for inspection.

107.2.2. Master Gas Fitter's or Liquefied Petroleum Gas Permit holder's Responsibility - It shall be the responsibility of the Master Gas Fitter or the LP Gas Permit holder to make sure that the work will stand the test prescribed before giving the above notice.

107.2.3. Re-Testing - If the Building Official finds that the work will not pass the test (aka failed inspection), the Master Gas Fitter or LP-Gas Permit holder shall be required to make necessary corrections, and the work shall then be re-submitted for inspection.

107.2.4. Rough Piping Inspection - It shall be the responsibility of the Master Gas Fitter or LP-Gas Permit holder to notify the office of the Building Official after all piping and all vents authorized by the permit have been installed, prior to any such piping or vents

being covered or concealed, or any fixtures or gas appliances being connected, that the work is ready for a rough piping inspection. This inspection shall include a pressure test.

107.2.5. Intermediate Inspection - It shall be the responsibility of the Master Gas Fitter or LP-Gas Permit holder to notify the office of the Building Official after all piping authorized by the permit has been installed and after all portions which are to be concealed have been concealed, and before any fixtures or gas appliances have been connected that the work is ready for an intermediate inspection. This inspection shall include a pressure test.

107.2.6. Final Inspection - It shall be the responsibility of the Master Gas Fitter or the LP-Gas Permit holder to notify the office of the Building Official after all fixtures and gas appliances authorized by the permit have been installed and connected and such portions of existing systems as may be affected by new work and any changes is completed that the work is ready for a final inspection.

107.3 – MATERIAL AND LABOR FOR TESTS

The equipment, material, power, and labor necessary for inspection or test shall be furnished by the gas contractor.

107.4 – INSTRUMENT TESTS

If instrument tests are determined to be required the contractor will provide all materials and test equipment in order to have these tests completed. After these tests are completed the contractor will provide a copy of the test results to the Building Official.

107.5 – TEST OF GAS PIPING SYSTEM

All the piping of the gas system shall be tested with air or inert gas in accordance with Section 406 of the International Fuel Gas Code.

107.6 – COVERING THE WORK

107.6.1. Prior To Test - No new fuel gas system, installation or part thereof shall be covered or concealed in any manner until it has been inspected, tested, and approved as prescribed in 107.5 - TEST OF GAS PIPING SYSTEM.

107.6.2. Uncovering of Work - If a new fuel gas system, installation or part thereof is covered or concealed in any manner before being inspected, tested, and approved as prescribed in this Code, the work shall be uncovered, at the permit holder's expense, upon the direction of the Building Official.

107.7 – TEST OF DEFECTIVE GAS SYSTEMS

Where there is reason for the inspector to believe that the fuel gas system of any building has become defective, it shall be subjected to testing and/or inspection.

107.8 – GAS VENT INSPECTION

Before approval of the inspection as specified in SECTION 108 – CERTIFICATE OF APPROVAL may be given, all gas vent piping shall be in place, joints properly sealed, adequately supported, and clear of all combustible material in accordance with other sections of this Code must be completed. Where it is necessary for ceilings or other obstructions to be installed prior to the fuel gas vent pipe, then adequate clearance shall be provided around said vent pipe to ensure clearances as required in Chapters 5 and 6 of this Code so both the workmanship may be ascertained and the type material may be determined by the Building Official. Concealment of vent piping prior to inspection may be cause to evoke requirements of 107.6 COVERING THE WORK

SECTION 108 – CERTIFICATE OF COMPLETION

108.1 – ROUGH INSPECTION

Upon the satisfactory completion of the rough inspection, approval shall be so noted on the Gas Permit Card. This approval shall give the date of the rough inspection and the initials of the inspector.

108.2 – INTERMEDIATE INSPECTION

When all piping has been installed, an intermediate inspection shall be requested by the Master Gas Fitter or LP-Gas Permit holder. This inspection shall be in sufficient detail to ensure that all the provisions of this Code are in compliance. In existing systems with a meter is already in service, final connection of the appliance or equipment to the customer's fuel gas piping shall not be made until the intermediate inspection is made and approval given by the inspector.

108.3 – FINAL OR OPERATIONAL INSPECTION

After all fixtures and gas appliances are installed, a final inspection shall be made. This inspection shall be in sufficient detail to assure that all final connections have been made and that all appliances and/or equipment have been properly installed. Upon the satisfactory completion of this inspection, a Certificate of Completion, when requested, shall be issued to the permittee by the Building Official to be delivered to the owner.

SECTION 109 – QUALIFYING GAS FITTERS

109.1. GENERAL - Before any person, firm or corporation shall engage in the business of gas fitting within the area described in 101.3 SCOPE, 101.3.1 of this Code, they shall be qualified as set forth herein, and a business license shall be obtained from the County and a State of Alabama Card, as required. Bonds are not required by Jefferson County. When any fuel gas fitting work is being performed, a Master Gas Fitter or Journeyman Gas Fitter or LP-Gas Permit holder, as applicable, shall at all times be present on the job site, in actual control of, and in charge of the work being performed as authorized by the issued Fuel Gas Permit.

109.2 – QUALIFICATIONS OF GAS FITTERS

109.2.1. State of Alabama Requirements - Any person, firm or corporation engaged in or proposing to engage in the business of doing, or contracting to do, or superintending the installation of gas fitting, gas systems or gas work, either or both, must be qualified as set forth in Title 34, Chapter 37, Plumber and Gas Fitter, as amended by Act No. 2015-496.

109.2.2 – DEFINITIONS

1. As used in this Code, the terms “gas fitting”, “Gas Systems”, or “Gas Work” shall include the installation, repair of pipes, fixtures, fittings, appliances, or apparatus necessary for supplying LP or natural gas for residential, or commercial use from the point of delivery and all gas piping before the connection to the combustion zone and including the applicable venting of the flue gases to the outside atmosphere and the provisions for air for combustion and ventilation, including all gas fitting work further defined by any State Board rules and all codes currently adopted by the State Board. This shall not be construed to prevent any contractor certified by the Alabama Board of Heating, Air Conditioning, and Refrigeration Contractors from installing, replacing, or performing service or repair on natural gas fired air heating / cooling appliances, excluding piping to them provided the installing contractor has a valid certification issued by the Alabama Board of Heating, Air Conditioning, and Refrigeration Contractors.

2. As used in this Code, the terms “gas fitter” or “gas contractor” shall mean a person, firm or corporation who is engaged in the business of Gas Fitting, Gas Systems, or Gas Work, and who is qualified under the terms and provisions of The Plumbing and Gas Fitters Board and this Code.
3. As used in this Code, the term “Master Gas Fitter” shall mean any person or legal entity that engages in work at the actual installation, repair, or replacement of gas systems, that has successfully fulfilled the examination requirements of the State Board, that has been issued a Master Gas Fitter certification by the Board, and that possess a valid and current annual certification issued by the Board. The Master Gas Fitter shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request.
4. As used in this Code, the term “Journeyman Gas Fitter” shall mean every person who engages in work at the actual installation, repair, or replacement of gas work, who has successfully fulfilled the examination requirements of the Board, has been issued a journeyman gas fitter certification by the Board, and possesses a valid and current annual certificate issued by the board. The journeyman gas fitter shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request.
5. As used in this Code, the term “Apprentice Gas Fitter” shall mean a person other than a Master or Journeyman Gas Fitter, who is engaged in learning and assisting in the installation of gas pipe, equipment, apparatus, and appliances, and shall work directly under the supervision of a Journeyman or Master Gas Fitter, and who has successfully fulfilled the registration requirements of the Board and has been duly registered by the Board as such for the current year. The Apprentice shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request.
6. LP. Liquefied petroleum gas
7. LP-G. Liquefied petroleum gas
8. LP-GAS. Liquefied petroleum Gas
9. LIQUEFIED PETROLEUM GAS SYSTEM. Any assembly consisting of one or more containers with a means for conveying LP-GAS from the container(s) to dispensing or consuming devices (either continuously or intermittently) and which incorporates components intended to achieve control of quality, flow, pressure, or state (either liquid or vapor).
10. LIQUEFIED PETROLEUM GAS PERMIT HOLDER. A person that has obtained a PERMIT from the LP-GAS Board which indicates the level or work allowed to be installed by them under that PERMIT designation.

109.3 – DUTY OF EMPLOYER

No person, firm or corporation shall employ any person on any job in the capacity of either a Master Gas Fitter or a Journeyman Gas Fitter or an Apprentice Gas Fitter or an LP-Gas Permit Holder unless such person shall have in his possession a valid certificate or permit for the capacity of the work performed issued to them as herein required by this Code.

109.4 – UNLAWFUL TO DO WORK WITHOUT CERTIFICATE

- 109.4.1. It shall be unlawful that:

1. Any person other than a holder of a certificate of competency as a Master, or Journeyman Gas Fitter, or a holder of a certificate of registration as an Apprentice Gas Fitter to do any gas installation, alteration or construction work in the county; or
2. Any holder of a certificate of competency as a Master to employ as an assistant in any such work any person other than a holder of a certificate of competency as a Master or Journeyman, or the holder of a certificate of registration as an Apprentice Gas Fitter; or
3. Any holder of a certificate of competency as a Master or Journeyman to require a registered Apprentice Gas Fitter to do any such work other than under his direct supervision; or
4. Any registered Apprentice Gas Fitter to do any such work other than under the direct supervision of the holder of a certificate of competency as a Master or Journeyman; or
5. Any person other than the holder of a Liquid Petroleum Gas permit as issued by the State Liquefied Petroleum Gas Board allowing described work under that permit.

109.4.2. It shall be unlawful for any person engaged by any public gas utility company to do any gas work without license or certificate in the laying, maintenance and operation of its service mains or lines, or in the installation, alteration, repair or renovation of any appurtenance or equipment on the utility company's side of the gas meter, provided such work and services named herein are done in accordance with all state laws and applicable county ordinances.

109.5 – ILLEGAL WORK

Any person, firm or corporation engaged in the gas fitting business whose work does not conform to the rules and regulations of this Code, or whose workmanship or materials are of inferior quality, shall on notice from the Building Official make necessary changes or corrections at once so as to conform to this Code. If the work has not been so changed after ten (10) days' notice, the Building Official shall then refuse to issue any additional permits for said project until said work has fully complied with the rules and regulations of this Code, and any other pertinent County or state laws.

109.6 - ALLOWING ONE'S NAME OR LICENSE TO BE USED TO OBTAIN PERMIT FRAUDULENTLY

No person, firm or corporation engaged in the business of gas fitting shall allow his, its, or their names to be used by any other person, firm or corporation directly or indirectly, to obtain a permit, or for the construction of any work under, his/her, its, or their names or license; nor shall he/she, it or they make any misrepresentations or omissions in his/her, its, or their applications.

109.7 – ILLEGAL ENGAGEMENT OF MASTER GAS FITTERS

It shall be unlawful for the holder of a Master Gas Fitter Certificate of Competency:

1. To engage as a gas fitter for another person, firm or corporation while work is outstanding under a permit issued to him while operating his/her own gas fitting business; or
2. To engage in the business as gas fitter for themselves while permits are outstanding on work issued to another under his signature while acting as Master Gas Fitter for such company, firm or corporation; or

3. To engage as a gas fitter for any company, firm or corporation while permits are outstanding for any other company, firm or corporation issued under his/her signature as Master Gas Fitter; or
4. To operate two or more gas fitter businesses and act as Master Gas Fitter for both at the same time; or
5. To be employed by two or more gas fitting businesses at the same time while acting as Master Gas Fitter for either; or
6. To enter or leave the employment of any gas fitting company, firm or corporation where he/she is engaged as a Master Gas Fitter without notifying the Building Official within five (5) days exclusive of Saturday and Sunday. Such notice shall be in writing and state the beginning date of his employment or date of termination, and it shall be signed with the signature which appears on his/her current Certificate of Competency.

SECTION 110 – PLUMBING AND FUEL GAS BOARD OF ADJUSTMENTS AND APPEALS

110.1 APPOINTMENT

There is hereby established a board to be called the Plumbing and Fuel Gas Board of Adjustments and Appeals, which shall consist of five (5) members who shall pass on matters pertaining to plumbing or gas installations, including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and/or appurtenances thereto. One (1) member shall be a lawyer, one (1) member shall be a registered engineer who practices mechanical engineering, one (1) member shall be a representative of a public gas utility company, and two (2) members shall be currently licensed plumbing and gas contractors. The said board shall be appointed by the Jefferson County Commission, and the Jefferson County Commission may replace any member at any time and without notice. No member of the board shall receive any compensation for his/her services as such.

110.2 TERM OF OFFICE

Appointments to the Plumbing and Fuel Gas Board of Adjustments and Appeals shall be for a term of six (6) years except that the respective term of the following members first appointed shall be: Three years for the lawyer and mechanical engineer, two year for the representative of the public gas utility company, and five years for the plumbing and gas contractors. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Jefferson County Commission, render any such member liable to immediate removal from office.

110.3 QUORUM

Three (3) members of the Board shall constitute a quorum. In varying the application of any provisions of this Code or in modifying an order of the Building Official, affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. A Board member shall not act in a case in which he/she has a personal interest.

110.4 RECORDS

The Building Official shall act as Secretary of the Plumbing and Fuel Gas Board of Adjustments and Appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

110.5 PROCEDURE

The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code. The Board shall meet at regular intervals, to be determined by the

Chairman or the Building Official or in any event, the Board shall meet within twenty days after notice of appeal has been received.

SECTION 111 – APPEALS

111.1 – TIME LIMIT

Whenever the Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in a building or structure, or when it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such a building or structure, or his duly authorized agent, may appeal from the decision of the Building Official to the Plumbing and Fuel Gas Board of Adjustments and Appeals. Notice of appeal shall be in writing and filed within 20 days after the decision is rendered by the Building Official. A fee of \$50.00 shall accompany such notice of appeal.

SECTION 112 – DECISIONS OF THE PLUMBING AND FUEL GAS BOARD OF ADJUSTMENTS AND APPEALS

112.1 VARIATIONS AND MODIFICATIONS

112.1.1. Variances - The Plumbing and Fuel Gas Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or public interest, or when, in its opinion the interpretation of the Building Official should be modified or reversed.

112.1.2. Conditions of Variance - A decision of the Plumbing and Fuel Gas Board of Adjustments and Appeals to vary the application of any provision of this Code or to modify any order of the Building Official shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefore.

112.2 – DECISIONS

112.2.1. Decisions Are Final - Every decision of the Board of Adjustments and Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Building Official and shall be open to public inspection.

112.2.2. Action by Board - The Board of Adjustments and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay.

112.2.3. Action by Building Official - If a decision of the Board of Adjustments and Appeals reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of this Code, the Building Official shall immediately take action in accordance with such decision.

SECTION 113 – VIOLATIONS AND PENALTIES

Any person, firm or corporation violating any provision of this Code or failing to comply with any of the provisions of this Code after ten (10) days written notice from the Building Official shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars or thirty days in jail, or both, and a penalty of fifty dollars per day, each day during the continuance of the violation.

SECTION 114 – VALIDITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portion of this Code.