

ORDINANCE NO. 1799

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

WHEREAS, on the 22<sup>nd</sup> day of March, 2011, 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 a 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 12<sup>th</sup> day of April, 2011, at 9:00 a.m. Said code shall be known as the "Fuel Gas Code of Jefferson County, Alabama, 2009."

Section B. That three (3) copies of said proposed "Fuel Gas Code of Jefferson County, Alabama, 2009," shall be filed in the office of the County Commission Minute Clerk of Jefferson County, Alabama, Room 270-2, Courthouse; the office of the Director of the Inspection Services of Jefferson County, Alabama, Room B200, Courthouse; and the office of the Commissioner of Inspection Services of Jefferson County, Alabama, Suite 220, Courthouse, by the 28<sup>th</sup> day of March, 2011, 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 12<sup>th</sup> day of April, 2011.

Section C. That the Director of Inspection Services of Jefferson County, Alabama, be and he is hereby authorized, empowered and directed to cause 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 once a week for three 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 a gas code for Jefferson County, Alabama, to be known as the "Fuel Gas Code of Jefferson County, Alabama, 2009," by ordinance, in order to revise, update and amend the "Gas Code of Jefferson County, Alabama, 2003," 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 12<sup>th</sup> day of April, 2011, for the consideration of the same. Three (3) copies of said proposed "Fuel Gas Code of Jefferson County, Alabama, 2009", (consisting of the "2009 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 “2009 Edition of the International Fuel Gas Code”) will be on file in the office of the County Commission Minute Clerk of Jefferson County, Alabama, Room 270-2, Courthouse; the office of the Director of Inspection Services of Jefferson County, Alabama, Room B200, Courthouse; and the office of the Commissioner of Inspection Services of Jefferson County, Alabama, Suite 220, Courthouse, by the 28th day of March, 2011, 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 12th day of April, 2011.

and

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

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

Section 1. That the “2009 Edition of the International Fuel Gas Code” published by the International Code Council, Incorporated, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, be incorporated by reference into this ordinance except as specifically altered by the “Special Provisions” promulgated by the Inspection Services Department of Jefferson County, Alabama. The “2009 Edition of the International Fuel Gas Code” and the “Special Provisions” are before this Commission and have been on file in the office of the County Commission Minute Clerk, the office of the Director of Inspection Services, and the office of the Commissioner of Inspection Services pursuant to resolution adopted by the Commission of Jefferson County, Alabama on the 22<sup>nd</sup> day of March, 2011, and set forth in the preambles of this ordinance. The “2009 Edition of the International Fuel Gas Code” and the “Special Provisions,” are hereby adopted as “Fuel Gas Code of Jefferson County, Alabama, 2009,” and shall be effective and operative as such on and after the 2<sup>nd</sup> day of May, 2011, 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. 1758, the “Gas Code of Jefferson County, Alabama, 2003,” adopted by the Jefferson County Commission on October 23, 2003, be, and the same is hereby repealed as of the date upon which the “Fuel Gas Code of Jefferson County, Alabama, 2009” adopted by Section 1 of this ordinance, becomes effective as provided by said Section 1; 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 "2009 Edition of the International Fuel Gas Code," referred to in Section 1 hereof, which is before this Commission by appending thereto and signing a certificate in form substantially as follows:

"I, Diane C. Townes, County Commission Minute Clerk, hereby certify that the document (the "2009 Edition of the International Fuel Gas Code") to which this certificate is appended is the document referred to in Section 1 of Ordinance No. 1799 adopted by the Jefferson County Commission at a regular meeting thereof held on this the 12th day of April, 2011, and that I have signed this certificate in the presence of said Commission at said regular meeting on said date.

Diane C. Townes,  
County Commission Minute Clerk."

The County Commission Minute Clerk shall carefully preserve this ordinance and said documents adopted by Section 1 hereof as the "Fuel Gas Code of Jefferson County, Alabama, 2009," 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 1 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 2<sup>nd</sup> day of May, 2011, the effective date of the code adopted by Section 1 of this ordinance, a copy of this ordinance and of the code adopted by Section 1 of this ordinance shall be placed on the Jefferson County Web Site and made available to the general public at the office of the Inspection Services Department. A copy of this ordinance may be obtained at the Inspection Services Department for the cost of reproduction as established by the Jefferson County Commission Administrative Order 03-1, 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, 2009," 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 “2009 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, 2009,” 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 Inspection 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 INSPECTION SERVICES DEPARTMENT

There is hereby established a department called the Inspection Services Department which is in the charge of the Director of Inspection Services.

## 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.

## 102.3 DEPUTY

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

## 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 Director of Inspection Services 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 thirteen (13) years as required by the Records Disposition Authority approved by the Jefferson County Commission on January 16, 2001. The records of the Fuel Gas Section shall be open to public inspection during regular business hours.

## SECTION 103 - POWERS AND DUTIES OF THE DIRECTOR OF INSPECTION SERVICES

(As used herein the term "Director of Inspection Services" shall include officers, inspectors, assistants and employees.)

### 103.1 RIGHT OF ENTRY

Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Director of Inspection Services 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 Director of Inspection Services may enter such building or premises in the areas described in Section 101.3.1 at all reasonable times to inspect the same or to perform any duty imposed upon the Director of Inspection Services 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 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 Director of Inspection Services shall have recourse to every remedy provided by law to secure entry.

When the Director of Inspection Services 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 Director of Inspection Services for the purpose of inspection and examination pursuant to this Code.

### 103.2 STOP WORK ORDERS

Upon notice from the Director of Inspection Services 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 writing and shall be given to the owner of such property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where any emergency exists, the Director of Inspection Services shall not be required to give a written notice prior to stopping the work.

### 103.3 REVOCATION OF PERMITS

The Director of Inspection Services 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 a revocation.

### 103.4 NON-CONFORMING WORK

Any person, firm or corporation engaged in the gas fitting business doing any work which is subject to but not in conformity with the provisions of this Code, shall make the changes necessary for such work to conform with said provisions immediately upon being given written notice of such nonconformity by the Director of Inspection Services. If the work has not been so changed after ten days notice from the Director of Inspection Services, the said Director of Inspection Services shall then refuse to issue any more permits on this project until he, it or they have conformed to all regulations in anywise pertaining to said work, or the Director of Inspection Services shall issue a written order requiring the local gas company to disconnect the premises, on which 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. 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 gas which condition or situation is contrary to or in violation of any provisions of this Code.

## 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 hereof. The Director of Inspection Services 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 Director of Inspection Services 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 Director of Inspection Services, 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 Director of Inspection Services. The Director of Inspection Services 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 Director of Inspection Services shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding its use.

103.7.2 Evidence of Compliance. The Director of Inspection Services 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 Director of Inspection Services 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 Director of Inspection Services shall specify the test procedure.

103.7.5 Repeated Tests. The Director of Inspection Services 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 Director of Inspection Services 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 Director of Inspection Services 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 which now employs at least 500 persons in Jefferson County on a regular basis, herein called the company, and which regularly 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, 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 Director of Inspection Services 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.

## 104.2 APPLICATION FORM

Permits shall be issued to any person, firm or corporation upon application bearing the signature of his, its or their authorized Master Gas Fitter except as may be approved in 104.1.2. The applicant shall provide the necessary information to complete the application form furnished by the Director of Inspection Services. Application for a permit can be made in person or by mail. 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 Section 106.4.2.

## 104.3 DRAWINGS AND SPECIFICATIONS

104.3.1 Requirements. Application for a permit to make any gas installation shall be accompanied by drawings and specifications and other necessary information as required by the Director of Inspection Services 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 Director of Inspection Services, 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 Director of Inspection Services, the complexity of the installation is such as to necessitate the filing of plans and/or specifications to ascertain compliance with this Code.

104.3.2 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'').
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.

5. When symbols are used, such symbols shall be identified in a symbol schedule on drawings.
6. The Director of Inspection Services may require that drawings and specifications be prepared by an architect or engineer duly registered in the State of Alabama.

#### 104.4 EXAMINATION OF DRAWINGS

104.4.1 Plan Review. The Director of Inspection Services 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.

104.4.2 Affidavits Accepted. The Director of Inspection Services may accept a sworn affidavit from a registered architect or engineer stating that the drawings and specifications submitted of the gas installation conform to all requirements of this Code and he may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Director of Inspection Services upon completion of the installation, a Certificate of Completion that the gas installation has been installed in accordance with the requirements of this Code. Where the Director of Inspection Services 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 he does assume full responsibility for compliance with all provisions of this Code and all other pertinent county ordinances and codes.

104.4.3 Affidavits Required. The Director of Inspection Services 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 Director of Inspection Services the size or complexity of the gas installation requires such affidavit.

#### 104.5 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 Director of Inspection Services shall act upon an application for a permit without unreasonable or unnecessary delay. If the Director of Inspection Services 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 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 Director of Inspection Services 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.

105.1.3 Separate Permit On Each Building Or Structure. A separate permit must be obtained for the work on each building or structure or for each separate piece of work of any description including alterations, additions, and general repairs, except for minor repairs. Any work done pursuant to a permit issued or to permission granted in accordance with this Code shall be performed and completed fully in compliance with the provisions of this Code, and with any prior conditions the Director of Inspection Services may set for issuance of such permits or for grant of such permission. Such work shall not be commenced if it will be left unattended in a condition which would violate any provision of this Code. Final approval of any such work may not be given until it has been completed in accordance with the provisions of this Code.

## 105.2 CONDITIONS OF THE PERMIT

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 Director of Inspection Services from thereafter requiring a correction of errors in plans or in construction, or of violations of this Code. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided, that for cause, extensions of time for a period not exceeding six (6) months each, may be allowed in writing by the Director of Inspection Services. However, the maximum number of extensions shall not exceed three (a total of 18 months). Work permitted under the initial permit shall be commenced within a two (2) year period. Work not completed within a two and one-half (2 ½) year period shall require a new permit. Cost of the new permit shall be based upon the amount required to complete the project.

## 105.3 PERMITS NOT TRANSFERABLE

A permit is not transferable from any person, firm, or corporation to any other person, firm, or corporation.

## 105.4 PERMITS ISSUED UPON AFFIDAVITS

Whenever a permit is to be issued in reliance upon an affidavit as provided in 104.4.2 and 104.4.3, or whenever the work to be covered by a permit involves construction under conditions

which, in the opinion of the Director of Inspection Services, are hazardous or complex, the Director of Inspection Services shall require that the architect or engineer who signed the affidavit or made the drawings or computations shall supervise such work, be responsible for its conformity with the approved drawings, and forthwith upon its completion make and file with the Director of Inspection Services a written affidavit that the work has been done in conformity with the approved plans and with all the applicable provisions of this Code. In the event such architect or engineer is not available, the owner shall employ in his stead an architect or engineer who shall state in the Certificate of Completion that he does assume full responsibility for compliance with all provisions of this Code and all other pertinent county ordinances and codes.

## SECTION 106 - FEES

### 106.1 GENERAL

Before any permit is granted for the installation, alteration and maintenance of any gas systems and/or appliances, the person making application for permit shall pay to the County a fee or fees in such amount as specified in Section 106.3.

### 106.2 FAILURE TO OBTAIN A PERMIT

If any person commences any work on a gas installation before obtaining the necessary permit from the County, he shall be subject to the penalty prescribed in Section 113.

### 106.3 SCHEDULE OF PERMIT FEES

Note: Minimum Permit Fee \$50.00.

Accessories such as valves, pilots and miscellaneous single items when performing a different function or operating in a different manner from parts of the original installation shall be covered as general repairs.

1. General repairs each appliance.....\$10.00

2. Each consumer piping system\*

Capped outlets to within 4 feet of the equipment locations or hose cocks for laboratory bunsen-type burners or similar equipment when approved. Separate outlet permit not required for appliances connected under permit if appliance is initially included in permit application and installed by same contractor.\*\*

1 outlet.....\$6.00

Each additional outlet.....\$1.00

Connection of appliances, fixtures, etc., to approved consumer piping outlets. Equipment permit required as hereinafter listed.

3. Log Lighters.....	\$15.00
4. Water Heaters*** .....	\$15.00
5. Ranges-Hotel and Restaurant.....	\$15.00
6. Comfort heating appliances, commercial and industrial gas-fired equipment, and residential appliances other than water heaters and ranges:	
Each Appliance	
Up to 65,000 BTU input.....	\$15.00
65,001 thru 150,000 BTU input.....	\$20.00
150,001 thru 300,000 BTU input.....	\$25.00
Over 300,000 BTU input.....	\$30.00
7. Special Draft Control Equipment	
Induced draft fans.....	\$15.00
Barometric Dampers.....	\$15.00
Draft Control Switches.....	\$15.00
8. Vents	
Gas appliance vent pipe when installed for connection by others or as general repairs.....	\$15.00
9. Liquefied Petroleum Gas Tanks, Containers and Dispensing Equipment	
Approved I.C.C. Containers.....	\$10.00
Approved 0 to 500 water gallon capacity containers.....	\$15.00
Approved 501 to 1200 water gallon capacity containers.....	\$20.00
Containers over 1200 water gallon capacity, when authorized.....	\$30.00
Plus each additional 1000 gallon capacity or fraction thereof.....	\$ 6.00
Pumps.....	\$ 6.00
Vaporizers.....	\$ 6.00
Surge Tanks.....	\$ 6.00
(L.P. Yard Line included with consumer piping)	
10. Inspections	
In excess of three approved inspections per job site.....	\$20.00
Re-inspection or re-testing (when necessitated by faulty material, equipment, apparatus or workmanship):	

1st Re-inspection or re-testing.....	\$20.00
2nd Re-inspection or re-testing.....	\$40.00
All additional Re-inspections or re-testings.....	\$50.00 Each

\*Application and separate permit required for work in each consumer system from point of delivery, and/or the service piping when approved for construction in buildings.

\*\*See Section 411

\*\*\*Water heaters may be installed under permits as provided above when the installation of not more than 10 feet of water piping is required to connect to an existing water distribution system and where no additional water piping is required to supply fixtures and/or hot water storage tanks not integrally assembled with the gas burner or heater. For remote hot water storage tanks, distribution, circulating and flow piping, plumbing permit required.

Three approved inspections when necessitated by job progress are included with initial permit only.

#### 106.4 FEES, HOW PAID

106.4.1 General. All fees for permits and inspections required under this Code shall be paid at the offices of the Inspection Services Department, either in the Birmingham Courthouse or the Bessemer Courthouse.

106.4.2 Emergency Permits. Nothing herein shall make it unlawful for the Director of Inspection Services to issue a permit prior to receiving the required application and fee for work under emergency conditions, as may be determined by said Director of Inspection Services, provided all information required in written application under Section 104 of this Code is given orally along with request for emergency permit. 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 Director of Inspection Services, at his office, fees in the amount required for such permit and/or inspection together with written application required 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 106.6. An emergency permit or inspection may be given only under the following conditions:

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.

#### 106.5 FEES FOR ADDITIONAL WORK

In the event that, during the performance of the work of installation or alteration permitted under the permit, additional installations or alterations are required, it shall be unlawful for the person who secured the original permit, to fail to immediately remit to the Director of Inspection

Services, an amount equal to the additional fees for permits and inspections incurred by the additional installations or alterations.

#### 106.6 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 double the specific 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 a double fee plus twenty-five dollars (\$25.00). The issuance of a belated permit hereunder shall not waive or otherwise affect in any manner a prosecution under Section 113 of this Code.

#### 106.7 REFUND OF FEES

106.7.1 Permit Fees. Refund of fees paid for a gas permit can be made if the following conditions have been met:

1. No work has begun under said permit; and
2. The filing by the permit holder of a refund claim with Jefferson County within six (6) months of the date of issuance of said permit. Provided, however, where the claim for refund involves the duplicating or permitting of the same job more than once by the same contractor, no refund shall be made on the most current permit after sixty (60) days from date of issuance of most current permit.

There shall be an administrative charge of \$30.00 on all refunds, and there shall be no refund of a minimum permit fee.

### SECTION 107 - INSPECTION

#### 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 shall have been inspected and approved as hereinafter provided, so as 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 to give reasonable advance notice to the Director of Inspection Services when gas work is ready for test or inspection. It shall further be the responsibility of the Master Gas Fitter to see that the

premises and the work are available and accessible to the Director of Inspection Services or his representative for inspection.

107.2.2 Master Gas Fitter's Responsibility. It shall be the responsibility of the Master Gas Fitter to make sure that the work will stand the test prescribed before giving the above notice.

107.2.3 Re-Testing. If the Director of Inspection Services finds that the work will not pass the test, the Master Gas Fitter shall be required to make necessary corrections, and the work shall then be re-submitted for inspection. Where additional inspections are necessary for re-testing, there shall be an additional fee as provided for in Section 106.3.

#### 107.2.4 ROUGH PIPING INSPECTION

It shall be the responsibility of the Master Gas Fitter to notify the office of the Director of Inspection Services 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 to notify the office of the Director of Inspection Services 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 to notify the office of the Director of Inspection Services 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

Instrument tests, when required, shall ensure that the flue gas temperature does not exceed 480° Fahrenheit above that of the air temperature surrounding the appliance, the concentration of CO<sub>2</sub> does not exceed 9%, the concentration of CO does not exceed 0.04%, and the concentration of oxygen is not less than 4% or more than 10%. This test shall be applicable to conversion burner installations, barometric damper installations, power burner installations, and at any time when,

after testing by the Director of Inspection Services, the equipment is found not to comply with the above requirements.

#### 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.

#### 107.6 COVERING THE WORK

107.6.1 Prior To Test. No new 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 Section 107.5.

107.6.2 Uncovering Of Work. If a new gas system, installation or part thereof is covered or concealed in any manner before being inspected, tested, and approved as prescribed in this chapter, it shall be uncovered upon the direction of the Director of Inspection Services.

#### 107.7 TEST OF DEFECTIVE GAS SYSTEMS

Where there is reason to believe that the 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 roughing-in inspection required in Section 108.1 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. Where it is necessary for ceilings or other obstructions to be installed prior to the gas vent pipe, then adequate clearance shall be provided around the vent pipe in order that clearances as required in Chapter 6 may be ascertained and the type material also may be determined by the Director of Inspection Services. In no case shall the installation of ceilings or other obstructions prior to inspection be the cause of an inspector having to crawl in or through attics when an earlier installation could have been made and inspection called for. Such concealment of vent piping may be cause to evoke requirements of 107.6.2.

### SECTION 108 - CERTIFICATE OF APPROVAL

#### 108.1 ROUGHING-IN INSPECTION

Upon the satisfactory completion of the roughing-in inspection, approval shall be so noted on the Gas Permit Card. This approval shall give the date of the roughing-in 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. This inspection shall be in sufficient detail to ensure that all the provisions of this Code have been complied with. In existing systems, where a meter is already in service, final connection of the appliance or equipment to the customer's gas piping shall not be made until the intermediate inspection is made and approval given.

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 approval, when requested, shall be issued to the permittee by the Director of Inspection Services to be delivered to the owner.

SECTION 109 - QUALIFYING AND BONDING OF GAS FITTERS

109.1 GENERAL

Before any person, firm or corporation shall engage in the business of gas fitting within the area described in 101.3.1 of this Code, he shall be qualified as set forth herein, and a license shall be obtained from the City, County and State as required and a proper bond posted. Where any gas fitting work is being done, a Master Gas Fitter or Journeyman Gas Fitter shall at all times be present on the job, and in actual control, and in charge of the work being done.

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 Act No. 92-182 of the 1992 Regular Session of the Alabama Legislature.

109.2.2 DEFINITIONS

- 1. As used in this Code, the terms "gas fitting" or "gas work" shall include all work and materials in the installation, replacement or repair of consumer gas piping and/or the connection, installation, replacement, repair or servicing of gas appliances.
- 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 or gas work, and who is qualified under the terms and provisions of this Code.

As used in this Code, the term "Master Gas Fitter" shall mean a person who possesses the necessary qualifications, training, and technical knowledge to plan, layout and supervise the

installation and replacement or install and replace gas piping and gas appliances and who possesses a current, valid and unrevoked Certificate of Competency issued by the Alabama Plumbers and Gas Fitters Examining Board as a Master Gas Fitter.

4. As used in this Code, the term “Journeyman Gas Fitter” shall mean a person who possesses the necessary qualifications, training, and technical knowledge to install and replace gas piping and gas appliances, and who possesses a current, valid and unrevoked Certificate of Competency issued by the Alabama Plumbers and Gas Fitters Examining Board as a Journeyman Gas Fitter.

5. As used in this Code, the term “Apprentice Gas Fitter” shall mean a person who is engaged in learning and assisting in the installation of gas piping and gas appliances, working directly under the supervision of a master or journeyman gas fitter, and who has successfully met the registration requirements of the Alabama Plumbers and Gas Fitters Examining Board as an apprentice gas fitter for the current year.

### 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 unless such person shall have in his possession a valid certificate for the capacity of the work performed issued to him as herein required by this Code.

### 109.4 UNLAWFUL TO DO WORK WITHOUT CERTIFICATE

109.4.1 It shall be unlawful:

1. for 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. for any holder of a certificate of competency to employ as an assistant in any such work any person other than a holder of a certificate of competency, or the holder of a certificate of registration as an Apprentice Gas Fitter; or
3. for any holder of a certificate of competency to require a registered Apprentice Gas Fitter to do any such work other than under his direct supervision; or
4. for any registered Apprentice Gas Fitter to do any such work other than under the direct supervision of the holder of a certificate of competency.

109.4.2 It shall not 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 Director of Inspection Services 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 Director of Inspection Services shall then refuse to issue any more permits for this project until such work has fully complied with the rules and regulations of this Code.

## 109.6 BOND REQUIRED

Before any person, firm or corporation shall engage in the business of gas fitting, steam fitting, excavating, or blasting as a Gas Fitter within the County, he, it, or they, shall in addition to the requirements of competency, have a business license issued by the Municipal, County, and State Authorities, and also deposit with the Jefferson County Commission and continuously maintain a good and sufficient bond in the sum of five thousand dollars (\$5,000.00) made by a surety company duly authorized to do business in Alabama. Said bond shall be conditioned that the person, firm or corporation, to be known as the principal in said bond, shall faithfully observe all ordinances and laws of the said County pertaining to said business or businesses, whether now or hereafter enacted, together with all rules and regulations established under the authority of said laws or ordinances; and shall perform in a workmanlike manner all work undertaken by said Principal in the prosecution of said business or businesses; and shall indemnify and save harmless the said County from all liability occasioned or arising from acts done or omitted by said Principal, its servants and agents, in doing said work, or from any unfaithful or inadequate work; and shall adequately safeguard all ditches and excavations which may be opened by said Principal in the streets and highways of said County; and shall restore, or cause to be restored, in a workmanlike manner, to their former condition, all such portions of said streets and highways excavated by said Principal, and pay the expenses thereof; and shall maintain said restored portion in a safe condition for the period of one year from the date of such excavation; and shall defend all suits brought against the County based, in whole or in part, upon any act or default for which said Principal is responsible, and pay the costs and expenses thereof, and shall pay all such damages as any person, firm or corporation may sustain by reason of violation of said laws, ordinances or regulations by said Principal, its servants and agents, or by reason of the negligence of said Principal, its servants or agents, in the prosecution of said business or businesses. Any person, firm or corporation injured in person or property by reasons of any violation of said laws, ordinances or regulations by said Principal, or by any act, default or omission constituting a breach of any of the conditions of this bond, may maintain a suit or action thereof for such injury. Said bond shall also provide that it may be cancelled by the surety by giving the Jefferson County Inspection Services fifteen (15) days notice in writing prior to the date of cancellation. Failure to comply with this section shall ipso facto revoke the business license of the said person, firm or corporation.

## 109.7 ALLOWING ONE'S NAME, LICENSE OR BOND 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, its, or their names, license or bond; nor shall he, it or they make any misrepresentations or omissions in his, its, or their applications.

## 109.8 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 own gas fitting business.
2. To engage in the business as gas fitter for himself while permits are outstanding on work issued to another under his signature while acting as Master Gas Fitter for such company, firm or corporation.
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 signature as Master Gas Fitter.
4. To operate two or more gas fitter businesses and act as Master Gas Fitter for both at the same time.
5. To be employed by two or more gas fitting businesses at the same time while acting as Master Gas Fitter for either.
6. To enter or leave the employment of any gas fitting company, firm or corporation where he is engaged as a Master Gas Fitter without notifying the Director of Inspection Services within five 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 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 and bonded 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 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 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 Director of Inspection Services, affirmative votes of the majority present, but not less than three affirmative votes shall be required. A Board member shall not act in a case in which he has a personal interest.

#### 110.4 RECORDS

The Director of Inspection Services 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 Director of Inspection Services 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 Director of Inspection Services 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 Director of Inspection Services 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 Director of Inspection Services. 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 Director of Inspection Services 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 Director of Inspection Services 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 Director of Inspection Services 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 Director of Inspection Services. If a decision of the Board of Adjustments and Appeals reverses or modifies a refusal, order, or disallowance of the Director of Inspection Services or varies the application of any provision of this Code, the Director of Inspection Services 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 Director of Inspection Services 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, sub-section, 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.

APPROVED BY THE  
JEFFERSON COUNTY COMMISSION  
DATE: 9-12-11  
MINUTE BOOK: 161  
PAGE(S): 413-424