



City of Madison

Building Department Newsletter

Citizen Concerns About Merchants

Throughout the year the Building Department entertains questions and receives complaints from our citizens concerning fire, life safety, and sanitation conditions of buildings occupied by merchants and various other businesses within the City of Madison. Most of the complaints consist of the following:

- * No access to public restrooms
- * Restrooms that are not accessible for persons with disabilities
- * Exit access corridors are obstructed
- * Exit doors are locked from the inside
- * No accessible seating available

Sometimes there are public misconceptions about what various building codes require of businesses. Hopefully this article will help “clear the air” concerning a few of those misconceptions.

The 2009 International Building, Plumbing and Property Maintenance Codes provide specific requirements for restrooms in all types of businesses. Essentially, each tenant space in a multi-tenant building or single tenant building must have male and female restrooms that are accessible to the public. It is a violation of the code to refuse to allow the public access to restrooms (Section 403.3, 2009 International Plumbing Code). In addition, each restroom must provide accessibility for persons with disabilities. The size and dimensions of the floor area of each restroom must allow for the maneuvering of a wheelchair and the fixtures installed therein must be installed to provide adequate floor space clearances and meet certain height standards to accommodate someone with disabilities. Accessible restrooms must be equipped with accessory components such as rear and side wall mounted grab bars, paper towel dispensers, toilet paper holders and soap dispensers that meet the minimum standards of Chapter 11 of the 2009 International Building Code and ADA requirements. Older buildings that contain restrooms not meeting accessibility requirements and that were built before accessibility standards were adopted are permitted to remain unchanged until either the building is expanded or any of the restrooms are altered.

Every tenant space within a multi-tenant building and every single tenant building must maintain a means of accessing and exiting the building in case of an emergency such as a fire. The use of the tenant space or building plus the occupant load, as determined by the 2009 International Building Code, establishes the minimum number of exits required for any space within the building and the building itself. All required corridors or exit access ways to exits and all required exits must be marked by exit signs and maintained clear of any obstructions such as boxes, furniture or equipment that may prevent or delay exiting the building. All required exit doors are required to be unlocked at all times when the tenant space or building is occupied. It is a violation of the 2009 International Building, Property Maintenance and Fire Codes to obstruct any required exit access way or exit or lock any required exit door to prevent exiting the tenant space or building.

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Interior features, non-fixed and fixed furnishings within commercial tenant spaces or buildings must also meet specific accessibility requirements. For example, a retail clothing store which provides fitting rooms for customer convenience must provide at least one fitting room to accommodate persons with disabilities or the height of point of sale and customer service counters must accommodate persons with disabilities. All restaurants and movie theaters are required to provide designated seating to accommodate persons in wheelchairs. One local major theater has met this requirement by providing access to and spaces for wheelchairs.

While not inclusive of all requirements, this article has hopefully provided business owners and the public with information about what is required by the various codes. If you are a business owner or a patron of a business and need additional information concerning these or other requirements, please call the City of Madison Building Department at 256-772-5644. We will be glad to answer your questions.

FAQ'S

Q. My neighbor consistently leaves their household trash container on the street in front of their house. Is there anything Code Enforcement can do about it?

A. Currently there is no city ordinance that prohibits a property owner from keeping their household trash container on the street or public right-of-way. However, the property owner could be cited for the following conditions:

- 1) If the trash is not contained completely within the container and has spilled over into the street or has blown onto adjoining property.
- 2) If the trash container poses a traffic hazard.
- 3) If the trash container is attracting insects or vermin (rats, raccoons, etc.)

Please note that large trash and construction type containers such as dumpsters must not be located on any city street or right-of-way but rather maintained within the property boundaries that they serve. Also, restrictions and covenants of your subdivision which is enforceable by property owners within the subdivision may prohibit household trash containers from being left on the street.

Q. I am planning to renovate a part of my house and construct an addition. As the property owner can I obtain the permit and serve as contractor?

A. It is highly recommended that homeowners hire State licensed homebuilders to perform construction on their home rather than act as the general contractor for the project. Property owners can obtain the building permit in their name, serve as their own contractor. In doing so, all subcontractors hired by the homeowner must possess City of Madison business licenses and State licenses where required. In serving as your own contractor, you will be solely responsible for meeting all building code requirements and passing all required inspections. The Alabama homebuilder's law requires that the property owner who serves as their own contractor must not offer for sale, rent or lease their property for one year from the date of completion of construction. Otherwise the property owner will be deemed as practicing homebuilding and required to possess a license from the Homebuilder's Licensure Board.

City of Madison
Building Department
100 Hughes Road
Madison, Alabama 35758
(256) 772-5644
Director: Cody Phillips