



2002-063

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November 16, 2001

Honorable Don McClellan
Mayor, City of Alexander City
Post Office Box 552
Alexander City, AL 35010-0552

THIS OPINION HAS BEEN MODIFIED BY
THE OPINION ISSUED TO REGINA DINGER,
BOARD OF LICENSURE FOR PROFESSIONAL
ENGINEERS & LAND SURVEYORS, DATED
10-11-2002, A.G. NO. 2003-009.

Architects – Architects, State Board
of Registration – Municipalities -
Buildings - Tallapoosa County

The addition of interior walls to a
portion of an existing building
constitutes an alteration of a
building and requires the services
of a registered architect.

Dear Mayor McClellan:

This opinion of the Attorney General is issued in response to your
request on behalf of the City of Alexander City.

QUESTION

In an existing, non-exempt building that
was originally designed by an architect, what
changes, if any, can be made to the building or
any of its parts without the services of an archi-
tect?

FACTS AND ANALYSIS

Your request states that the city would like to add three interior
rooms to a fire station in an area less than 2500 square feet in an existing
building that is over 2500 square feet in total area. A registered architect
designed the original building.

The services of a licensed registered architect are required when the erection, enlargement, or alteration of a building is involved. ALA. CODE § 34-2-32(b), (c) (1997). Section 34-2-32 of the Code of Alabama states, in pertinent part, as follows:

(b) No person shall be required to register as an architect in order to make plans and specifications for or administer the erection, enlargement or alteration of any building upon any farm for the use of any farmer, . . . or of any other type building(s) which has a total area of less than 2,500 square feet and is not intended for assembly occupancy, except schools, churches, auditoriums or other buildings intended for the assembly occupancy of people.

(c) The services of a registered architect shall be required on all buildings except those hereinafter exempted and no official of this state or of any city, town or country herein charged with the enforcement of laws, ordinances or regulations relating to the construction or alteration of buildings, shall accept or approve any plans or specifications that are not so prepared.

Id. The terms “erection, enlargement or alteration of any building” are not defined in the statute. A building is defined in section 34-2-30 as “[a] structure consisting of foundation, walls or supports and roof, with or without other parts.” ALA. CODE § 34-2-30(4) (1997).

In the absence of a statutory definition, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning. *Thornell v. Curry*, 494 So. 2d 637, 639 (Ala. Civ. App. 1986); *Rush v. Department of Revenue*, 416 So. 2d 1023 (Ala. Civ. App. 1982). The Court of Civil Appeals in *Thornell* reviewed the common definitions of “erection, enlargement and alteration.” Specifically, with respect to “alteration,” the Court stated:

An alternation is a ‘variation; changing; making different. A change of a thing from one form or state to another; making a thing different from what it was without destroying its identity.’
Blacks Law Dictionary 103 (rev. 4th ed. 1968).

An alteration as applied to buildings is 'a change or substitution made in a particular part of the structure which is of such a substantial nature as to make the structure itself, or an important part thereof, materially different from what it formerly was.'

Thornell, 494 So. 2d at 639-40 (citations omitted).

According to your request, the city plans to make changes to an existing building, the fire station, by adding interior walls inside a portion of the building. These changes constitute an alteration in a part of the structure of the building and, thus, require the services of a registered architect.

CONCLUSION

The addition of interior walls to a portion of an existing building constitutes an alteration of a building and requires the services of a registered architect.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Brenda F. Smith of my staff.

Sincerely,

BILL PRYOR
Attorney General
By:


CAROL JEAN SMITH
Chief, Opinions Division