ORDINANCE NO. 2005-12-04

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO ADOPT AND APPROVE AN ORDINANCE RELATING TO BUILDING CODES AND PROVIDING FOR THEIR INCLUSION AND IDENTIFICATION IN THE FUTURE DEVELOPED CODE OF ORDINANCES FOR THE CITY OF SANDY SPRINGS TO BE REFERENCED IN FUTURE AS CHAPTER 9 (BUILDING CODES) AS ATTACHED HERETO AND INCORPORATED HEREIN, AND REPEALING CHAPTER 14, BUILDING REGULATIONS, CODE LAWS OF FULTON COUNTY, GA, PART II, CODE OF ORDINANCED AND RESOLUTIONS, SUBPART A, CODE OF ORDINANCES, APPENDIX A

BE IT ORDAINED by the City Council of the City of Sandy Springs, GA while in regular session on December 1, 2005 at 12:01 a.m. as follows:

SECTION 1. That the Ordinance relating to Building Codes is hereby adopted and approved; and is attached hereto as if fully set forth herein; and,

SECTION 2. That this Ordinance shall be designated as Chapter 9 of the Code of Ordinances of the City of Sandy Springs, GA; and,

SECTION 3. This Ordinance is effective December 1, 2005; and,

SECTION 4. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 1st day of December, 2005.

Approved:

Eva Galambos

Eva Galambos, Mayor

Attest:

Jeanette R. Marchiafava

Jeanette Marchiafava, City Clerk
(Seal)

Chapter 9: Building Code

Article 1: Adoption of State Law.

Section 1: State Minimum Standards Adopted.

(a) It is hereby declared to be the intention of the Council to enforce the latest edition of the following Georgia State Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs:

(i) International Building Code
(ii) International Fuel Gas Code
(iii) International Mechanical Code
(iv) International Plumbing Code
(v) National Electrical Code
(vi) International Fire Code
(vii) International Energy Conservation Code
(viii) International Residential Code

(b) The following appendices of said codes, as adopted and amended by the Georgia Department of Community Affairs, are hereby adopted by reference as though they were copied herein fully:

(i) Standard Building Code: Appendices H, I, J, K
(ii) Standard Mechanical Code
(iii) Standard Plumbing Code: Appendices H, I, J
(iv) Standard Gas Code
(v) CABO One and Two-Family Dwelling Code

(c) The following codes, the latest editions as adopted and amended by the Georgia Department of Community Affairs, are hereby adopted by reference as though they were copied herein fully:

(i) Standard Existing Building Code
(ii) Standard Swimming Pool Code

(d) The following code is adopted insofar as it does not conflict the Georgia State Minimum Standard Codes:

Standard Unsafe Building Abatement Code

(e) The City also adopts the State Minimum Standards Codes as defined by O.C.G.A. § 8-2-20(9).

Article 2: Administrative Procedures for Enforcement of Adopted Codes.

Section 1: Purpose.

The purpose of this section is to provide for the administration and enforcement of the Georgia State Minimum Standard Codes for Construction as adopted and amended by the Georgia Department of Community Affairs. Hereinafter, the state minimum standard codes for construction shall be referred to as "the construction codes."

Section 2: Code Remedial.

(a) *General.* These construction codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof - which are public safety, health, and general welfare - through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use, and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical, and plumbing systems, which may be referred to as service systems.

(b) *Quality Control.* Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.

(c) *Permitting and Inspection.* The inspection or permitting of any building, system, or plan, under the requirements of construction codes shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The City of Sandy Springs, nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

Section 3: Scope.

(a) *Applicability.*

(i) *General.* Where, in any specific case, different sections of these construction codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(ii) *Building.* The provisions of the International Building Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, and demolition, of every building or structure or any

appurtenances connected or attached to such buildings or structures, except in one- and two-family dwellings.

(iii) *Electrical*. The provisions of the National Electrical Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

(iv) *Gas*. The provisions of the International Fuel Gas Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply 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 and related accessories, except in one- and two-family dwellings.

(v) *Mechanical*. The provisions of the International Mechanical Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems. Except in one- and two-family dwellings.

(vi) *Plumbing*. The provisions of the International Plumbing Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, and when connected to a water or sewerage system.

(vii) *Energy*. The provisions of the International Energy Conservation Code, as adopted and amended by the Georgia Department of Community Affairs, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating, and illumination systems and equipment that will enable the effective use of energy in new building construction.

(b) *Federal and State Authority*. The provisions of the construction codes shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes 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.

(c) *Appendices*. Appendices referenced in Article 1, Section 1(b) of this Chapter shall be considered an integral part of the construction codes.

(d) *Referenced Standards*. Standards referenced in the text of the construction codes shall be considered an integral part of the construction codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where construction code provisions conflict with a standard, the construction code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

(e) *Maintenance*. All buildings, structures, electrical, gas, mechanical, and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his/her designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems.

Section 4: Existing Buildings

(a) ***General.*** **Alterations, repairs, or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical, or plumbing system without requiring the building, structure, plumbing, electrical, mechanical, or gas system to comply with all the requirements of the construction codes provided that the alteration, repair, or rehabilitation work conforms to the requirements of the construction codes for new construction. The Building Official shall determine the extent to which the existing system shall be made to conform to the requirements of the construction codes for new construction.**

(b) *Change of Occupancy*. If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical, and plumbing systems shall be made to conform to the intent of the construction codes as required by the Building Official.

(c) *Special Historic Buildings*. The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety, and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within the fire districts.

Section 5: Building Department.

(a) *Creation of Building Department*. There is hereby established a department to be called the Building Department and the person in charge shall be known as the Building Official. The governing body shall establish the qualifications for the

Building Official and other code enforcement personnel. The duties of the department may be contracted out in full to a third party entity.

(b) *Restrictions on Employees.* An officer or employee connected with the department, except one whose only connection is as a member of the Construction Board of Adjustment and Appeal, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with his duties or conflict with the interests of the department.

(c) *Records.* The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection pursuant to the provisions of the Georgia Open Records Act.

(d) *Liability.* Any officer or employee, or member of the Construction Board of Adjustments and Appeals, charged with the enforcement of the construction codes, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself/herself 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/her duties. Any suit brought against any officer or employee or member because of such act performed by him/her in the enforcement of any provision of the construction codes shall be defended by the governing jurisdiction until the final termination of the proceedings.

(e) *Reports.* The Building Official shall submit a report each year covering the work of the Building Department during the preceding year. He/she may incorporate in said report a summary of the decisions of the Construction Board of Adjustments and Appeals during said year.

Section 6: Building Official.

(a) ***General.*** **The Building Official is hereby authorized and directed to enforce the provisions of the construction codes. The Building Official is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose. The City may contract with a third party to provide the duties of the Building Official.**

(b) *Right of Entry.*

(i) Whenever necessary to make an inspection to enforce any of the provisions of the construction codes, 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, structure, premises, electrical, gas, mechanical, or plumbing systems unsafe, dangerous, or

hazardous, the Building Official may enter such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by these construction codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

(ii) 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, structure, 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 the construction codes.

(c) *Stop-work orders.* Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

(d) *Revocation of Permits.*

(i) *Misrepresentation of Application.* The Building Official may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(ii) *Violation of Code Provisions.* The Building Official may revoke a permit upon determination by the Building Official that the construction erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical, or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.

(e) *Unsafe Buildings or Systems.* All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems.

(f) *Requirements Not Covered by Code.* Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, electrical, gas, mechanical, or plumbing system, or for the public safety, health, and general welfare, not specifically covered by or the construction codes, shall be determined by the
Building Official.

(g) *Alternate Materials and Methods.* The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Building Official. The Building Official shall approve any such alternate, provided the Building Official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the construction codes, in quality, strength, effectiveness, fire resistance, durability, and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

Section 7: Permits.

(a) Permit Application.

(i) When required, any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the work.

(ii) Work Authorized. A building, electrical, gas, mechanical, or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

(iii) Minor Repairs. Ordinary minor repairs may be made with the approval of the Building Official without a permit, provided that such repairs shall not violate any of the provisions of the construction codes.

(iv) Information Required. Each application for a permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his/her authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the

building or structure, and shall contain such other information as may be required by the Building Official.

(v) Time Limitations. An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

(b) Drawings and Specifications.

(i) *Requirements*. When required by the Building Official, two or more copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the construction codes. Such information shall be specific, and the construction codes 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. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

(ii) *Additional Data*. The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with their official seal.

(iii) *Design Professional*. The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications, and accompanying data, for the following:

(A) All Group A, E, and I occupancies.
(B) Buildings and structures three stories or more high.
(C) Buildings and structures 5,000 square feet (465 m^ 2) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

EXCEPTION: Single-family dwellings, regardless of size, shall require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required.

(iv) *Structural and Fire Resistance Integrity*. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor, or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes, and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.

(v) *Site Drawings*. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building Official may require a boundary line survey prepared by a qualified surveyor.

(vi) *Hazardous Occupancies*. The Building Official may require the following:

(A) *General Site Plan*. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment, and adjacent property uses. The exterior storage areas shall be identified with the hazard
classes and the maximum quantities per hazard class of hazardous materials stored.

(B) *Building Floor Plan*. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

(c) Examination of Documents.

(i) *Plan Review*. The Building Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the construction codes and all other pertinent laws or ordinances.

(ii) *Affidavits*. The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the

construction codes. For buildings and structures the affidavit shall state that the plans conform to the laws as to egress, type of construction, and general arrangement and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of the construction codes as to strength, stresses, strains, loads, and stability. The Building Official 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, copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical, or plumbing systems a certification that the structure, electrical, gas, mechanical, or plumbing system has been erected in accordance with the requirements of the construction codes. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the construction codes and other pertinent laws or ordinances.

(d) Issuing Permits.

(i) *Action on Permits*. 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 contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.

(ii) *Refusal to Issue Permit*. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

(iii) *Special Foundation Permit*. When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the construction codes.

(iv) *Public Right-of-Way*. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley, or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has

made application at the office of the Director of Public Works for the lines of the public street on which he/she proposes to build, erect, or locate said building; and it shall be the duty of the Building Official to see that the street lines are not encroached upon.

(e) Contractor Responsibilities. It shall be the duty of every contractor who shall make contracts for the installation or repairs of buildings, structures, electrical, gas, mechanical, sprinkler, or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the local government with their license number before receiving a permit for work to
be performed.

(f) Conditions of the Permit.

(i) *Permit Intent.* A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the construction codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the construction codes. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the worked is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official.

(ii) *Permit Issued on Basis of an Affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes. In the event such architect or engineer is not available, the owner shall employ in his place, a competent person or agency whose qualifications are reviewed by the Building Official.

(iii) *Plans*. When the Building Official issues a permit, he/she shall enforce, in writing or by stamp, both sets of plans "reviewed for code compliance." One set of drawings so reviewed shall be retained by the Building Official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his/her authorized representative.

(g) Fees.

(i) *Prescribed Fees*. A permit shall not be issued until the fees prescribed by the governing body have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, etc. has
been paid.

(ii) *Work Commencing Before Permit Issuance*. Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing, etc. system before obtaining the necessary permits, shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.

(iii) *Accounting*. The Building Official shall keep a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

(iv) *Schedule of Permit Fees*. On all buildings, structures, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedules as set by the governing body.

(v) *Building Permit Valuations*. If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical, or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment, and other systems, including materials and labor.

(h) Inspections.

(i) *Existing Building Inspections*. Before issuing a permit the Building Official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas,

mechanical, and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the construction codes.

(ii) *Manufacturers and Fabricators*. When deemed necessary by the Building Official he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the construction codes.

(iii) *Inspection Service*. The Building Official may make, or cause to be made, the inspections required by subsection (vi), hereinbelow. He/she may accept reports of inspectors of recognized inspection services provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

(iv) *Inspections Prior to Issuance of Certificate of Occupancy or Completion*. The Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical, or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

(v) *Posting of Permit*. Work requiring a permit shall not commence until the permit holder or his/her agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building Official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the Building Official.

(vi) *Required Inspections*. The Building Official upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical code:

(A) Building.

(1) *Foundation Inspection*: To be made after trenches are excavated and forms erected.

(2) *Frame Inspection*: To be made after the roof, all framing, fireblocking, and bracing are in place, all concealing wiring, all pipes, chimneys, ducts, and vents are complete.

(3) *Final Inspection*: To be made after the building is completed and ready for occupancy.

(B) Electrical.

(1) *Underground Inspection*: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

(2) *Rough-In Inspection*: To be made after the roof, framing, fireblocking, and bracing is in place and prior to the installation of wall or ceiling membranes.

(3) *Final Inspection*: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(C) Plumbing.

(1) *Underground Inspection*: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

(2) *Rough-In Inspection*: To be made after the roof, framing, fireblocking, and bracing is in place and all soil, waste, and vent piping is complete, and prior to this installation of wall or ceiling membranes.

(3) *Final Inspection*: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

(4) Note: See Section 311 of the Standard Plumbing Code for required tests.

(D) Mechanical.

(1) *Underground Inspection*: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

(2) *Rough-In Inspection*: To be made after the roof, framing, fireblocking, and bracing are in place and all ducting, and other

concealed components are complete, and prior to the installation of wall or ceiling membranes.

(3) *Final Inspection*: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

(E) Gas.

(1) *Rough Piping Inspection*: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

(2) *Final Piping Inspection*: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

(3) *Final Inspection*: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to insure compliance with all the requirements of the construction codes and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

(F) Energy.

(1) *Foundation Inspection*: To be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.

(2) *Frame Inspection*: To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.

(3) *Final Inspection*: To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances.

(vii) *Written Release*. Work shall not be done on any part of a building, structure, electrical, gas, mechanical, or plumbing system beyond the point indicated in

each successive inspection without first obtaining a written release from the Building Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

(viii) *Reinforcing Steel, Structural Frames, Insulation, Plumbing, Mechanical, or Electrical Systems*. Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Official.

(ix) *Plaster Fire Protection*. In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Building Official after all lathing and backing is in place. Plaster shall not be applied until the release from the Building Official has been received.

(i) Certificates.

(i) Certificate of Occupancy.

(A) *Building Occupancy*. A new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the Building Official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the Building Official.

(B) *Issuing Certificate of Occupancy*. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.

(C) *Temporary/Partial Occupancy*. A temporary/partial certificate of occupancy may be issued for a portion of a building, which may safely be occupied prior to final completion of the building.

(D) *Existing Building Certificate of Occupancy*. A certificate of occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of

detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the construction codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.

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

(iii) Service Utilities.

(A) *Connection of Service Utilities*. No person shall make connections from a utility, source of energy, fuel, or power to any building or system which is regulated by the construction codes for which a permit is required, until released by the Building Official and a certificate of occupancy or completion is issued.

(B) *Temporary Connection*. The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel, or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

(C) *Authority to Disconnect Service Utilities*. The Building Official shall have the power to authorize disconnection of utility service to the building, structure, or system regulated by the construction codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.

(j) Posting Floor Loads.

(i) *Occupancy*. An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial, or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.

(ii) *Storage and Factory-Industrial Occupancies*. It shall be the responsibility of the owner, agent, proprietor, or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Building Department.

(iii) *Signs Required*. In every building or part of a building used for storage, industrial, or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, shall be marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

Section 8: Tests.

The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his/her agent, by an approved testing laboratory or other approved agency.

Section 9: Construction Board of Adjustment and Appeals.

(a) Appointment. The Council shall establish a board to be called the "Construction Board of Adjustment and Appeals." Members shall be nominated by the Mayor and approved by the Council.

(b) Membership and Terms.

(i) The Board shall be comprised of not less than three and not more than five persons. Each member shall serve a term of 4 years and may serve consecutive terms.

(ii) Quorum and Voting. A simple majority of the Board shall constitute a quorum. In varying any provision of the construction codes, the affirmative votes of the majority present shall be required. In modifying a decision of the Building Official, not less than two affirmative votes shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

(iii) Secretary of the Board. The Building Official shall appoint a secretary for the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

(iv) As provided in Code Section 2-5-3, the Council shall establish qualifications for Board members.

(c) Powers. The Construction Board of Adjustments and Appeals shall have the power, as further defined in subsection (d) herein below, to hear the appeals of decisions and interpretations of the Building Official and consider variances of the construction codes.

(d) Appeals.

(i) *Decision of the Building Official*. The owner of a building, structure, or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Construction Board of Adjustments and Appeals whenever any one of the following conditions are claimed to exist:

(A) The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

(B) The provisions of the construction codes do not apply to this specific case.

(C) That an equally good or more desirable form of installation can be employed in any specific case.

(D) The true intent and meaning of the construction codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

(ii) *Variances*. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of the construction codes 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 or the construction codes or public interest, and also finds all of the following:

(A) That special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others.

(B) That the special conditions and circumstances do not result from the action or inaction of the applicant.

(C) That granting the variance requested will not confer on the applicant any special privilege that is denied by the construction codes to other buildings, structures, or service system.

(D) That the variance granted is the minimum variance that will made possible the reasonable use of the building, structure, or service system.

(E) That the grant of the variance will be in harmony with the general intent and purpose of the construction codes and will not be detrimental to the public health, safety, and general welfare.

In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with the construction codes. Violation of the conditions of a variance shall be deemed a violation of the construction codes.

(iii) *Notice of Appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the Building Official renders the decision. Appeals shall be in a form acceptable to the Building Official.

(iv) *Unsafe or Dangerous Buildings or Service Systems.* In the case of a building, structure, or service system, which, in the opinion of the Building Official, is unsafe, unsanitary, or dangerous, the Building Official may, in his order, limit the time for such notice of appeals to a shorter period.

(e) Rules and Regulations.

(i) *Establishment.* The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of these procedures. The Board shall meet on call of the chairman. The Board shall meet within 30 calendar days after notice of appeal has been received.

(ii) *Decisions.* The Construction Board of Adjustments and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of the construction codes, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the Building Official for 2 weeks after filing. Every decision of the Board shall be

final, subject to such remedy as any aggrieved party might have at law or in equity.

Section 10: Severability.

If any section, subsection, sentence, clause, or phrase of the construction codes is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the construction codes.

Section 11: Violations and penalties.

Any person, firm, corporation, or agent who shall violate a provision of the construction codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish, or move any structure, electrical, gas, mechanical, or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, electrical, gas, mechanical, or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the construction codes is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

Article 3: Trenching.

Section 1: Definitions.

(a) "*Excavation*" means any manmade cavity or depression in the earth's surface, including its sides, walls, or faces, formed by earth removal and producing unsupported earth conditions as results of the excavation. If installed forms or similar structures reduce the depth to width relationship, an excavation may become a trench.

(b) "*OSHA*" means the U.S. Department of Labor, Occupational Safety and Health Administration, or successor agency.

(c) "*Supervisory personnel*" means any person who has the responsibility for layout, oversight, superintending, directing, or controlling an excavation or trench.

(d) "*Trench*" is a narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of the *trench* is not greater than 15 feet.

Section 2: Prohibition.

No individual, partnership, corporation, or other entity of any kind whatsoever shall engage in any excavation or trenching except in the compliance with the provisions of this Article and in compliance with any applicable laws of the State of Georgia or of the United States or any rules

and regulations of the U.S. Department of Labor, Occupational Safety and Health Administration, or any other state or federal governmental entity or department promulgating rules and regulations applicable to excavating and trenching.

Section 3: Adoption of Federal Regulations.

All safety and health regulations adopted by OSHA with regard to excavating and trenching operations, particularly Part 1926, Sub part P-Excavations, Trenching, and Shoring, Section 1926.650, 1926.651, 1926.652, 1926.653 of the Code of Federal Regulations, as the same now exist or may be hereafter amended are adopted as a part of this Article the same as if quoted verbatim herein.

Section 4: Certificate Required

(a) **No equipment operator or supervisory personnel shall participate in any excavation or trenching or in any way work in an excavation or trench unless such person holds a valid certificate evidencing satisfactory completion of a required educational program on safe trench/excavation practices. No other person shall participate in or work in any excavation or trenching site unless a certificate holder is present at the excavation or trench site where work is being performed.**

(b) **In the event any person who holds a valid certificate from the City is found to be in violation of the safety standards or requirements on any job site, the certificate may be revoked after notice and hearing as herein provided. In the event of revocation, the certificate may be reinstalled one time upon repeat by the person of the educational program required for issuance of the initial certificate.**

Section 5: Permit Required.

(a) No excavation or trenching shall be performed until a permit or authorization for same has been obtained from the City. Any applicant will be required to acknowledge receipt and understanding of safety requirements before any permit will be issued. All such permits shall be conspicuously posted upon the job site.

(b) No permit or authorization shall be issued unless an authorized agent of the applicant holds a certificate.

Section 6: Inspection.

The City shall periodically inspect trench/excavation sites. Such inspectors shall, among other things, verify the presence of the required permit, verify existence of required certificates, and verify compliance to OSHA safety standards herein above adopted. The inspectors may operate pursuant to a contract between the City and a third-party entity.

Section 7: Violations.

The City shall periodically inspect trench/excavation sites. Such inspectors shall, among other things, verify the presence of the required permit, verify existence of required certificates, and verify compliance to OSHA safety standards herein above adopted.

Section 8: Appeals.

Any individual, partnership, corporation, or other entity whose permit has been suspended or revoked may appeal in a manner consistent with this Chapter.

Article 4: Miscellaneous Provisions.

Section 1: Maintenance of proper sanitary conditions on premises required; procedures; enforcement.

(a) Every person, whether owner, tenant, agent, or employee owning, holding, or occupying property in the City shall, at all times, maintain the property, whether a vacant lot or otherwise, in a clean and sanitary condition, keeping all weeds cut, wastepaper, trash and other rubbish of every sort cleaned off of the property. Said duty to maintain property in a clean and sanitary condition shall include the duty to cut and remove undergrowth, such as kudzu, briars, weeds in excess of 24 inches in height, honeysuckle, other vines and seedlings, whenever such undergrowth becomes a nuisance to persons residing in the area or operating businesses in the area. If such undergrowth exists upon an unimproved lot, the Planning and Zoning Director may reduce the extent to which the property must be maintained in such condition, provided there are no imminent threats to public health and safety.

(b) It shall be the duty of the Community Development Director or a designee thereof to give 5 days written notice, by certified mail, return receipt requested, and take reasonable steps to deliver in person to any owner of property or other person violating this section to appear before the City Council to show cause why these provisions have not been complied with. In addition, the Community Development Director or a designee shall immediately post a notification upon the property in violation of this section in order to provide visual notification to property owners for a period of 5 consecutive days.

    (i) In lieu of inability to contact owners in other manners prescribed above, posted notice shall serve as the official notice for the City Council hearing on this matter.

    (ii) After a hearing, if it is deemed by the Council that this section has not been complied with, such owner or other person shall be given 5 days to comply

and if he/she fails or refuses to do so, the Public Works Director shall thereupon cause the work to be done.

(iii) For purposes of giving the notice to the owner of the property, as provided for herein, the person shown as the owner of said property on the ad valorem tax records of the City shall be sent such notice at the address shown thereon, unless the City receives actual notice that another person owns said property that owner shall be responsible for said violation.

(iv) The Council may, by majority vote, refer any and all cases described in this section to the Municipal Court, and all hearings heretofore described as being before the Council may be before the Municipal Court if the Council decides.

(c) When the Public Works Director has caused weeds to be cut from any premises, or wastepaper, trash, or other rubbish removed, a notice shall be prepared assessing the cost of the cutting of those weeds, cleaning and rendering sanitary such vacant lot or other property against the owner, tenant, agent, or employee owning, occupying, or controlling the property. The cost of such action shall be a debtor lien upon the property so cleaned and rendered sanitary and a debt against the owner, tenant, agent, or other party in charge of the property. The debtor lien shall date from the completion of the work on the property as declared under City Council ordinance.

(d) A written statement shall be furnished by the City Clerk to the owner, agent, or other party in charge of the property subject to the assessment provided for herein showing the amount of the assessment. It shall be the duty of the owner, agent, or other party in charge of the property subject to the assessment to pay the City within 30 days after the receipt of the statement the entire amount of the assessment against the property and the owner, tenant, agent, or other party in charge of the property.

(e) Any owner, tenant, agent, or other party in control of property subject to assessment as provided herein who fails or refuses to pay to the City the amount of such assessment at the expiration of 30 days after the service of the notice of statement provided above, the City Clerk shall issue an execution bearing date of its issuance in the name of the Mayor of the City and specifying the purpose for which it is issued against the owner, tenant, agent, or other party in control of the property subject to the assessment and also against the property of the owner, tenant, agent, or other party in control of the property upon which the work in question is performed. The execution shall assert and be a lien against the property from the day of the completion of the performance of the work hereinbefore described and shall bear interest at the rate of 1 percent per month from the date on which it is issued. For the purposes of this section, any period of less than 1 month shall be considered to be 1 month.

(f) The execution issued under these provisions shall be delivered to the Chief of Police or a designee thereof who shall execute the same by levying upon and selling the property described therein or so much thereof as may be necessary for the amount due the City from the doing of such work, together with all costs that may accrue thereon.

The law applicable to the sales under other executions issued by this City shall apply to the levy, notice, advertisement and sale made under the execution, and the levying officer shall have authority to execute a deed to the purchaser when the property is sold and shall deliver the possession thereof to the purchaser within the time required by law as under tax executions.

Section 2: Fire Limits.

The fire limits of the City for purposes of the building code shall be the same as is provided in this Code.

Section 3: Overcrowding Prohibited.

(a) Bedroom requirements.

(i) *Area for sleeping purposes.* Every bedroom occupied by one occupant shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one occupant shall contain at least 50 square feet of floor area for each occupant thereof.

(ii) *Prohibited occupancy.* Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(b) Overcrowding Specifications.

(i) Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of **Table 4.5** as follows:

Table 4.5

Minimum Occupancy Area Requirements			
	Minimum Area in Square Feet		
Space	**1-2 Occupants**	**3-5 Occupants**	**6 or More Occupants**
Living Room a,b	No Requirements	120	150
Dining Room a,b	No Requirements	80	100
Kitchen b	50	50	60
Bedrooms	Shall comply with Section 9-4-3(a).		

Note a. See paragraph (2) of this section for combined living room/dining room spaces.

Note b. See paragraph (1) of this section for limitations on determining minimum occupancy area for sleeping purposes.

(1) *Sleeping area.* The minimum occupancy area required by Table 4.5 shall not be included as sleeping area in determining minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 9-4-3(a).

(2) *Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of Table 4.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(c) Exception.

Nothing in this section shall prohibit an efficiency dwelling unit meeting the following requirements:

(i) An efficiency unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. An efficiency unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by subsection (b).

(ii) The unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front.

(iii) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

(iv) The maximum number of occupants shall be three.