



Chapter 7 BUILDINGS AND CONSTRUCTION

ARTICLE I. IN GENERAL

Sec. 7-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adopted state codes means all codes and standards adopted by reference in this chapter.

Board means the construction board of appeals.

Building official means the officer or other person designated by the director with the authority charged with the administration and enforcement of this Code.

Director means the director of the community development department or designee.

Emergency means any situation resulting in imminent danger to the public health or safety or the loss of an essential governmental service.

End user means the ultimate consumer of a product, especially the one for whom a product has been designed.

Independent means not affiliated in any way with the applicant for the variance or any city or county official or employee.

Justifiable cause means a reason given by the applicant or permit holder that in the opinion of the director is valid and sufficient. Justifiable cause does not include delay that is created by the applicant or permit holder or delay that reasonably could have been avoided by the applicant or permit holder.

Ordinary repairs means nonstructural repairs to a building or structure or repairs to a mechanical system, gas system, plumbing system, electrical system, and energy conservation system for which the codes specify no minimum requirements or standards or do not address the repair. The term "ordinary repairs" does not include additions, alterations, relocations, or replacements to buildings or structures, water supplies, sewers, drains, drain leaders, gas, soil waste, vent or other similar piping, electrical systems or wiring, mechanical systems or other work for which a permit is required by the Code or the building official.

Pre-qualified alternate registered engineer means a registered design professional recommended by the city council or its designee, or the construction board of appeals and approved by the city council for compliance with O.C.G.A. § 8-2-26 et seq.

Protective means a method or material that provides the same or greater protection of health, safety, life or property as provided by the construction requirements set forth in this Code.

Registered design professional means architects, civil, structural, mechanical, electrical, and plumbing engineers and others whose services require licensing by the state.

Technical codes means collectively the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, National Electrical Code, International Pool and Spa Code, International Existing Building Code, International Green Building Code, International Property Maintenance Code, International Energy Conservation Code as adopted, amended, and mandated by the State of Georgia along with amendments and local supplemental codes as adopted by the city.

(Ord. No. 2017-03-03, § 7-1, 3-19-2018)

Sec. 7-2. Building numbering.

- (a) *Assigning numbers; size; installation; inspections.* Street numbers will be assigned for all buildings and structures. Numbers must be erected and displayed in front of the project on a board with permanent numbers not smaller than four inches. Numbers must be in place at the beginning of the job before the footing inspection is made and be continuously displayed thereafter until the job is complete and all final inspections have been made. No inspection will be made where street numbers are not in place as required in this section. Contractors and others shall always refer to the street number when calling the Community Development department for an inspection request or information.
- (b) *Designation of street numbers.* Street numbers for dwelling units and places of business on all public streets and street numbers or building numbers for dwelling units and places of business within apartment projects and nonresidential developments located on private streets shall be assigned by the Dekalb Community Development Director or designee".
- (c) *Posting.* All buildings, including, but not limited to, one- and two-family dwelling units, multifamily dwelling units, and each place of business, shall have approved address numbers placed in a position to be plainly legible and visible from the public or private street or road frontage. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

(Ord. No. 2017-03-03, § 7-2, 3-19-2018)

Secs. 7-3—7-22. Reserved.

ARTICLE II. CONSTRUCTION AND TECHNICAL CODES

Sec. 7-23. Adopted state minimum standards codes.

- (a) *Adoption of Standard Codes.* It is hereby declared to be the intention of the City Council to enforce and adopt the State Minimum Standard Codes, as defined by O.C.G.A. § 8-2-20(9). The adoption includes the latest edition of the following State Minimum Standard Mandatory Codes, as adopted and amended by the State Department of Community Affairs. All new construction, installations, repairs or alterations shall be in conformance with the current edition of the following codes and referenced appendixes with state amendments:
 - (1) International Building Code.
 - (2) International Residential Code and Appendix G.
 - (3) International Plumbing Code and the Georgia Amendments, as well as Appendixes C (state version), H, I (state version).
 - (4) International Mechanical Code with Appendix C.
 - (5) International Fuel Gas Code.
 - (6) National Electrical Code.
 - (7) International Energy Conservation Code, along with Appendixes A, B, C, D.

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- (8) International Fire Code.
 - (9) International Pool and Spa Code.
 - (b) It is hereby declared to be the intention of the City Council to enforce and adopt the following permissive codes, as adopted by the State Department of Community Affairs and other applicable agencies.
 - (1) International Property Maintenance Code.
 - (2) International Existing Building Code.
 - (c) *Appendices.* The appendices included in any code adopted pursuant to this chapter are not intended for enforcement unless specifically referenced in this chapter or specifically included in this Code.
 - (d) *Referenced codes and standards.* The adopted state codes adopted pursuant to this article shall be considered part of the requirements of this chapter to the prescribed extent of each such adoption. Where differences occur between the provisions of this chapter and referenced codes and standards, the provisions of this chapter shall govern.
- (Ord. No. 2017-03-03, § 7-23, 3-19-2018)

Sec. 7-24. Amendments to the International Building Code and International Residential Code.

- (a) Notwithstanding anything to the contrary contained herein, the International Building Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:
 - (1) Revise section 1612.3 to include "The flood insurance study for DeKalb County countywide FIRM and FIS effective 5-7-2001."
- (b) Notwithstanding anything to the contrary contained herein, the International Residential Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:
 - (1) International Residential Code:
 - a. Table 301.2(1) in chapter 3 shall be completed by adding the following information to the blank spaces:
 - 1. Ground snow load (lbs. per square foot) — 8.
 - 2. Wind speed (fastest mile) — 90.
 - 3. Seismic design category B.
 - 4. Weathering — moderate.
 - 5. Frost line depth — Yes, 12-inch minimum.
 - 6. Termite damage — Yes, very heavy.
 - 7. Decay damage — Yes, moderate to severe.
 - 8. Winter design temp, for heating facilities — (22 degrees Fahrenheit).
 - 9. Flood hazard — Yes.
 - 10. Air Freezing Index — 225.
 - 11. Ice Barrier Underlayment Required — No.
 - 12. Mean Annual Temperature — 55 degrees Fahrenheit to 60 degrees Fahrenheit.

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- (2) Local supplemental ordinance requirements to the state adopted International Residential Code:
- a. A set of plans that include building, plumbing, mechanical, and electrical plans and the site plan as required in this Code shall be maintained on the construction site at all times.
 - b. A site plan or staking survey prepared and sealed by a registered engineer or land surveyor shall be submitted at the time of the residential footing or slab inspection and prior to the pouring of same. Survey shall show the setbacks from all property lines. Setbacks shall comply with all minimum zoning ordinance requirements and/or legally acquired variances.
 - c. Upon request by the director, written certification shall be provided by the permittee or property owner that all concrete reinforcing and support stirrups comply with CSRI specifications.
 - d. Upon request, batch tickets shall be provided to the director for each concrete pour. No more than one gallon of water shall be added to each cubic yard of concrete mix during the concrete pour. All soil under a concrete slab shall be properly compacted and shall be covered with a minimum of six mil polyethylene film to prevent the leaching of water from the concrete pour into the soil. The director may request the permittee, at the permittee's expense, to have any concrete slab and/or footing tested by an independent third-party approved by the director. The director may take any and all appropriate action, including, but not limited to, requiring removal of the concrete at the permittee or property owner's expense by a date certain if the director determines that:
 - 1. The concrete was poured in a manner contrary to this section or other law;
 - 2. That the concrete was poured contrary to ACI specifications; or
 - 3. That the slab or footings are defective as verified by the third-party testing.
 - e. The skirt of the concrete apron for any driveway shall rise to no less than eight inches above the flowline in the curb and the gutter and shall be eight feet from the face of the curb at the flowline.
 - f. All residential driveways, stops, patios, and walkways shall bear on properly compacted soil, foundation ledges or be doweled at slab. Maximum residential driveways slopes shall not exceed 20 percent grade. At the entrance of a garage, the garage floor shall be elevated two inches above the driveway or a drainage system approved by the director shall be installed at the entrance to the garage. Residential garages and carports shall contain not less than 19 feet, six inches of actual automobile parking depth. Upon completion of construction of any driveway or garage, the engineer of record shall provide written certification to the director that such driveway and/or garage complies with the requirements of this Code, including the requirements of this section.
 - g. All topsoil shall be saved, protected and shall only be reused as topsoil but not used for fill. All disturbed areas on residential lots shall be totally sodded or landscaped with approved landscaped materials. All building material that are rendered unusable by natural elements (i.e., water, sun or soil) in the opinion of the director shall be immediately removed upon discovery and replaced with satisfactory material at the permittee or property owner's expense.

(Ord. No. 2017-03-03, § 7-24, 3-19-2018)

Sec. 7-25. Amendments to the International Plumbing Code.

Notwithstanding anything to the contrary contained herein, the International Plumbing Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:

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- (1) International Plumbing Code.
 - (2) Local supplemental ordinance requirements to the state adopted plumbing code.
 - a. Waiver for an exemption to the requirements for the installation of high efficiency plumbing fixtures relative to any new construction and to the repair or renovation of an existing building may be given under the following conditions:
 1. When the repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets, or shower heads within such existing building;
 2. When such plumbing or sewerage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets, or shower heads required by this part were installed;
 3. When such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
 4. When units to be installed are:
 - (i) Specifically designed for use by person with disabilities;
 - (ii) Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - (iii) Toilets for juveniles.

(Ord. No. 2017-03-03, § 7-25, 3-19-2018)

Sec. 7-26. Amendments to the International Fuel Gas Code, the state adopted electrical code and the International Energy Conservation Code.

- (a) Notwithstanding anything to the contrary contained herein, the International Fuel Gas Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:
 - (1) Local supplemental ordinance requirements to the state adopted Gas Code. Gas lines shall be inspected and pressure tested at the rough-in inspection.
- (b) Notwithstanding anything to the contrary contained herein, the state adopted Electrical Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:
 - (1) Local supplemental ordinance requirements to the state adopted Electrical Code.
 - a. Electrical fences consisting of an electrically charged conductor or other electrically charged devices shall be permitted to be used only for the confinement of farm animals. Only fence chargers of the intermittent current type listed by a nationally recognized independent testing laboratory shall be permitted to be used. Electrical fences shall not be used except by special permission after written application to the director.
 - b. A reinspection permit and reinspection shall be required before power is restored to any residence or building where power has been disconnected for six months or more.

(Ord. No. 2017-03-03, § 7-26, 3-19-2018)

Sec. 7-27. State fire safety rules adopted.

It is the declared intention of the City Council to adopt and enforce the rules and regulations of the Safety Fire Commissioner chapter 120-3-3 "Rules and Regulations for the State Minimum Fire Safety Standards" as specified in O.C.G.A. § 25-2-4, and chapter 120-3-20 "Access to and use of Public Facilities by Handicapped Persons" as specified in O.C.G.A. § 30-3-7(g).

(Ord. No. 2017-03-03, § 7-27, 3-19-2018)

Sec. 7-28. Fire limits.

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

(Ord. No. 2017-03-03, § 7-28, 3-19-2018)

Sec. 7-29. Application of the international fire code.

The International Fire Code shall apply to all existing buildings and subjects all existing buildings to periodic inspection for compliance with the adopted fire code. The Georgia amendment to the International Fire Code, designated as section 101.3 (purpose and intent) of the Code, is hereby adopted by reference.

(Ord. No. 2017-03-03, § 7-29, 3-19-2018)

Secs. 7-30—7-55. Reserved.

ARTICLE III. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 7-56. Purpose.

The purpose of this article is to provide for the administration and enforcement of the State Minimum Standard Codes for construction as adopted and amended by the State Department of Community Affairs, Hereinafter, the State Minimum Standard Codes for construction shall be referred to as the construction codes or "this code."

(Ord. No. 2017-03-03, § 7-56, 3-19-2018)

Sec. 7-57. Code remedial.

- (a) *Generally.* 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."

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- (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 herein.
 - (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. Neither the city, 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.

(Ord. No. 2017-03-03, § 7-57, 3-19-2018)

Sec. 7-58. Conformance to construction, installation, repair and maintenance standards.

The provisions of this article shall apply to the construction, erection, installation, alteration, demolition, repair, relocation, replacement, addition to, use or maintenance of buildings or structures, plumbing, mechanical, gas, and electrical systems within the city. Any and all requirements of this article shall expressly include any and all technical codes as amended by the city pursuant to this chapter.

(Ord. No. 2017-03-03, § 7-58, 3-19-2018)

Sec. 7-59. Applicability.

- (a) *Generally.* The provisions of this chapter shall apply to all matters affecting or related to buildings, structures, equipment or systems as set forth in section 7-58. Where, in any specific case, different sections of this chapter specify different materials, methods of construction or other requirements, the most restrictive requirement shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.
 - (1) *Building.* The provisions of the International Building Code, as adopted and amended by the State 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.
 - (2) *Electrical.* The provisions of the National Electrical Code, as adopted and amended by the State Department of Community Affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.
 - (3) *Gas.* The provisions of the International Fuel Gas Code, as adopted and amended by the State 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 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.
 - (4) *Mechanical.* The provisions of the International Mechanical Code, as adopted and amended by the State 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.

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- (5) *Plumbing.* The provisions of the International Plumbing Code, as adopted and amended by the State 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.
- (6) *Energy.* The provisions of the International Energy Conservation Code, as adopted and amended by the State 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.
- (7) *One- and Two-family Dwellings.* The provisions of the International Residential Code, as adopted and amended by the State 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 of detached one- and two-family dwellings and townhouses not more than three stories in height with a separate means of egress and their accessory structures.
- (b) *Existing structures and installations.* Buildings, structures, plumbing, mechanical and electrical systems lawfully in existence at the time of the adoption of the ordinance from which this chapter is derived shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such building, structure or system. The legal occupancy of any structure existing on the date of adoption of this chapter shall be permitted to continue without change, except as is specifically covered in this chapter, the International Building Code, the International Property Maintenance Code or the International Fire Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.
- (c) *Public utility services.* The provisions of this article shall not apply to the installation, alteration or repair of services up to and including the meters where such work is performed by or is an integral part of a system owned or operated by a public utility service corporation, water department, gas company, railroad company, pipeline company, or other public utility in the exercise of its normal functions or in rendering its duly authorized service as such.
- (d) *Other laws.* The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.
- (e) *Referenced codes and standards.* The adopted state codes adopted pursuant to this chapter shall be considered part of the requirements of this article to the prescribed extent of each such adoption. Where differences occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter shall govern. Permissive and advisory provisions in any of the referenced codes shall not be construed as mandatory.
- (f) *Additions, alterations or repairs.* Additions, alterations, or repairs to any building, structure or system shall conform to that required for a new building, structure or system without requiring the existing building, structure or system to comply with all requirements of this chapter. Additions, alterations or repairs shall not cause an existing building, structure or system to become unsafe, unsanitary or overloaded. The extent to which the existing system shall be made to conform to the requirements of the State Minimum Standard Codes for new construction shall be as follows, unless otherwise required by this chapter:
- (1) When the estimated cost of the new work is less than 50 percent of the replacement cost of the existing system or building, the new work shall be brought into conformance with the requirements of the State Minimum Standard Codes for new construction.

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- (2) When the estimated cost of the new work is equal to or greater than 50 percent of the replacement cost of the existing system or building, the entire system or building shall be made to conform to the requirements of the State Minimum Standard Codes for new construction.
 - (3) For essential services facilities occupancy category IV type buildings, as defined in the State Minimum Standard Codes for new construction, when the estimated cost of new work is equal to or greater than 30 percent of the replacement cost of the existing system, the entire system shall be made to conform to the requirements of the State Minimum Standard Codes for new construction.
 - (g) *Ordinary repairs.* Ordinary repairs shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacements are not hazardous to the public health, safety or welfare.
 - (h) *Change in occupant/occupancy.* It is unlawful to make any change in the occupant or occupancy of any building or structure that does not meet the requirements of this chapter. Prior to the issuance of any business occupation tax certificate, the finance director or designee shall advise the building official that an application for a business occupation tax certificate has been submitted to the city for review. Prior to the issuance of the business occupation tax certificate, the building official shall inspect the building to be occupied and certify that such building or structure meets the intent of the provisions of law governing building construction for the proposed new occupant or occupancy and that such change of occupant or occupancy does not result in any hazard to the public health, safety or welfare.
 - (i) *Requirements not covered by Code.* Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure or system, or for the public, safety, health and general welfare, not specifically covered by this Code shall be determined by the Building Official or designee.

(Ord. No. 2017-03-03, § 7-59, 3-19-2018)

Sec. 7-60. Enforcement officials.

- (a) *Enforcement.* The community development department is responsible for administration and enforcement of this chapter.
- (b) *Deputies and authorized representatives.* In accordance with prescribed procedures of the city, the building official shall have the authority to appoint a deputy building official, authorized representatives, technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as authorized by law and delegated by the building official.

(Ord. No. 2017-03-03, § 7-60, 3-19-2018)

Sec. 7-61. Duties and powers of the building official.

- (a) *Generally.* The Building Official is authorized and directed to enforce the provisions of this chapter and the adopted state codes. The Building Official shall have the authority to render interpretations of this Code and the adopted state codes and to adopt policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the force and effect of law and shall not have the effect of waiving requirements specifically provided for in this chapter or in the adopted state codes.
- (b) *Applications and permits.* The Building Official shall receive applications, review construction documents and plans, issue permits for the erection, construction, alteration and demolition of buildings and structures and installation of mechanical, plumbing, gas and electrical systems, inspect the premises for which such permits

have been issued and enforce compliance with the provisions of this chapter and other applicable provisions of this Code.

- (c) *Notices and orders.* The Building Official shall issue all necessary notices or orders to ensure compliance with this chapter.
- (d) *Inspections.* The Building Official or his designee shall preform all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved qualified agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.
- (e) *Identification.* The Building Official, deputy or authorized representative shall carry proper identification when inspecting buildings, structures or premises in the performance of duties under this chapter.
- (f) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the Building Official has reasonable cause to believe that there exists in a building or structure or upon a premises a condition which is contrary to or in violation of this chapter which makes the building, structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the building, structure or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building, structure or premises be occupied that credentials be presented to the occupant and entry requested. If such building, structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building, structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry. Upon acquisition of an Inspection Warrant, or other remedy provided by law to secure entry, no owner or occupant or any other person 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 or designee for the purpose of inspection and examination pursuant to the construction codes.
- (g) *Department records.* The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, arid notices and orders issued. Such records shall be retained for the period required by state law for retention of public records.
- (h) *Approved materials, equipment, appliances and devices.* Materials, equipment, appliances and devices approved by the Building Official shall be constructed and installed in accordance with such approval. The use of used materials which meet the requirements of this chapter for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.
- (i) *Areas prone to flooding.* The Building Official shall not grant modifications to any provisions related to areas prone to flooding as established by the flood insurance rate map, as may hereinafter be amended, without the granting of a variance to such provisions by the Construction Board of Appeals.
- (j) *Alternative materials, designs, methods of construction, equipment and appliances.* The provisions of this chapter are not intended to prevent the installation of any materials or to prohibit any designs, methods of construction, equipment or appliances not specifically prescribed by this chapter, provided that any such alternatives have been approved by the Building Official in writing. Alternative materials, designs, methods of construction, equipment or appliances shall be approved in writing where the Building Official finds that the proposed design is satisfactory and complies with the intent and purpose of the provisions of this chapter, and the material, methods of work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.
- (k) *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to

require tests as evidence of compliance to be made at no expense to the city. Such tests shall be paid for by the person seeking to rely on such alternative materials or methods.

- (l) *Test methods.* Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures.
- (m) *Testing agency.* All tests shall be performed by an agency approved by the Building Official.
- (n) *Test reports.* The Building Official shall retain reports of tests for the period required for retention of public records.
- (o) The Building Official shall be authorized to cause charges to be brought for violations of this chapter against any person found to be installing, or known to have installed, electrical, plumbing, mechanical, gas or other facilities that require a person to have a State of Georgia license in order to undertake such installation, without being a valid holder of said license.

(Ord. No. 2017-03-03, § 7-61, 3-19-2018)

Sec. 7-62. Stop work order.

- (a) *Authority.* Whenever the Building Official finds any work regulated by this chapter being performed in a manner contrary to the provisions of this chapter or the construction codes or in a dangerous or unsafe manner, the Building Official and/or the Community Development Director is authorized to issue a stop work order.
- (b) *Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.
- (c) *Unlawful continuance.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to correct a violation or an unsafe condition, or removes a lawfully placed stop work order, shall be subject to issuance of a court citation to appear in the municipal court of the city and upon conviction shall be subject to a fine and/or imprisonment in accordance with this Code. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

(Ord. No. 2017-03-03, § 7-62, 3-19-2018)

Sec. 7-63. Unsafe conditions.

- (a) *Conditions.* Structures or existing equipment that are or hereafter become unsafe, uninhabitable, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, shall be deemed an unsafe condition. Structures that are deemed an unsafe condition shall be taken down and removed or made safe, as the building official deems necessary unless the notice of an unsafe condition is appealed to the Board of Construction Appeals in accordance with the requirements set forth in this chapter.
- (b) *Notice.* If an unsafe condition is found, the Building Official or designee shall serve on the owner, agent or person in control of the building, structure or system found to be unsafe, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official written acceptance or rejection of the terms of the notice.

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- (c) *Method of service.* Such notice shall be deemed properly served if a copy thereof is delivered to the owner personally or sent by certified or registered mail addressed to the owner at the owner's last-known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the building or structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the building or structure shall constitute service of notice upon the owner.
 - (d) *Restoration.* The building, structure, system or equipment determined to be unsafe by the Building Official is permitted to be restored to a safe condition. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the building, structure, system or equipment, such repairs, alterations or additions or change of occupancy shall comply with the requirements of this chapter.

(Ord. No. 2017-03-03, § 7-63, 3-19-2018)

Sec. 7-64. Violations, remedies and penalties.

- (a) *Unlawful acts.* It is unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, system or equipment regulated by this chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter or other applicable provisions of this Code.
- (b) *Notice of violation.* The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing, demolition, or occupancy of a building or structure, system or equipment in violation of the provisions of this chapter, or in violation of a permit or Certificate of Occupancy under the provisions of this chapter. Such notice or order shall direct the discontinuance or correction of the illegal action or condition and the abatement of the violation.
- (c) *Penalties.* Any person failing to discontinue, correct or abate the violation of this chapter as ordered by the Building Official in the notice shall be subject to issuance of a court citation to appear in the municipal court of the city to answer charges of violations of this chapter and upon conviction shall be subject to a fine and/or imprisonment in accordance with this Code. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

(Ord. No. 2017-03-03, § 7-64, 3-19-2018)

Secs. 7-65—7-86. Reserved.

DIVISION 2. CONSTRUCTION BOARD OF APPEALS

Sec. 7-87. Membership; variances, terms of office; decision-making powers.

- (a) *Appointment.* There is established a Construction Board of Appeals (Board), which shall consist of five members, appointed by the mayor and subject to confirmation by city council.
- (b) *Qualifications of members.* All members of the Board shall be residents of the city. All members of the Board shall have experience in the building industry. The members of the Board shall have applicable experience in drainage and structural issues in residential-home-design or construction, heating ventilation and air conditioning, electrical installations and plumbing. Members of the Board shall hold no other city office, appointed position within the city or any other city compensated position.

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- (c) *Filling board vacancies generally.* Any vacancy on the Board shall be filled in accordance with the original appointing procedure for the vacant position. Any newly appointed member shall serve for the remainder of the unexpired term.
 - (d) *Initial terms of members.* The five Board members who are appointed by virtue hereof shall hold initial terms of office which shall be staggered as follows: Two initial Board members shall be designated to serve a term of two years and three initial Board members shall be designated to serve a term of four years. After expiration of any term thereafter, each Board member shall serve a term of four years.
 - (e) *Terms of Board members.* Terms of each Board member shall absolutely expire on December 31 of the Board member's term, regardless whether a successor has been appointed to the Board member's position.
 - (f) *Successive terms.* Members of the Board may be reappointed to successive terms, but in no event shall a member be permitted to serve more than eight consecutive years.
 - (g) *Organization, officers and rules.* The Board shall elect a chair, vice-chair and secretary. The persons so elected shall serve in these capacities for a term of one year. No person may serve in any of these capacities for more than three consecutive years. The vice-chair will preside at the meetings of the Board in the chair's absence. The Board shall determine its procedural rules and regulations, and otherwise take such action as is appropriate for the management of the affairs committed to its supervision. The Board's rules and regulations shall be consistent with this chapter and necessary to carry out the provisions of this chapter.
 - (h) *Quorum.* Three members of the Board shall constitute a quorum at any meeting and a vote of three voting members shall be required to enable the Board to act.
 - (i) *Meeting accommodations and staff support.* The city shall provide the Board with suitable office space, meeting accommodations and clerical support, as the city shall deem appropriate and necessary.
 - (j) *Compensation for Board members.* The Board members shall be volunteers and shall not be compensated, except that the city may reimburse the Board members for necessary expenses incurred by the Board members in the performances of their official duties.
 - (k) *Removal at will.* The mayor and city council shall have authority to remove any member of the Construction Board of Appeals, at will, without cause.
 - (l) *Powers and duties.* The Board shall have the following powers:
 - (1) To hear appeals of decisions and interpretations of the Building Official;
 - (2) To hear appeals of the Building Official's decision related to the use of alternative materials, designs, methods of construction, equipment and appliances;
 - (3) To hear appeals of the Building Official's decision related to unsafe conditions as regulated in section 7-63;
 - (m) *Application forms; filing of applications; application fees.* Applications for appeals and variances shall be filed on forms provided by the city and shall not be considered authorized or accepted unless complete in all respects, including the payment of any application fees. Application fees shall be established by the city council.
 - (n) *Appeals of the Building Official's decisions.*
 - (1) Notice of appeal of a decision by the Building Official to the Board shall be in writing and filed with the director within 30 calendar days after the Building Official's decision is rendered. Appeals shall be on a form provided by the director.
 - (2) An appeal shall be sustained only upon an express written finding by the Board that the Building Official's action was based on an erroneous finding of a material fact, or that the Building Official acted in an arbitrary manner. In exercising its powers, the Board may reverse or affirm, wholly or partly, or

may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the Building Official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by all applicable laws are met. The Board may also remand any appeal for the receipt of additional information.

- (3) In the case of a building, structure or service system which, in the opinion of the Building Official, constitutes an unsafe condition as that term is used in section 7-63, the Building Official may, in the decision or order, limit the time for the filing of such appeals to not less than two days and the director may request expedited review by the Board of the appeal.
- (4) If the Building Official's decisions results in a revocation or denial of the issuance of any permit or certificate authorized by this chapter, the affected applicant or permittee may request, and shall be allowed, to meet with the director within two business days after the initial issuance of such order or decision. At such meeting the affected applicant or permittee shall be allowed to present any evidence or testimony to the director that the applicant deems appropriate. If such a meeting is not requested or the director does not alter the decision to revoke or deny the issuance of any permit or certificate, then the director's decision becomes final. During the pendency of any subsequent appeal to the Board, the notice of appeal shall not stay enforcement of the director's decision and the applicant or permittee may not take any action, perform any act or occupy any structure that contradicts the director's revocation or denial decision in this regard.

(o) *Procedures of the Board.*

- (1) *Hearings open to public.* All hearings of the Board shall be open to the public and the agenda shall be made available at least two business days prior to the meeting of the Board. Matters not placed on the agenda in compliance with this section shall not be heard by the Board, except for appeals involving a structure or service system that, in the opinion of the director, is unsafe, unsanitary or uninhabitable. The Board shall meet at least once a year and whenever an action is requested before the board, though not more often than every 30 days.
- (2) *Decisions.* The Board shall, in every case of an appeal of a decision or interpretation of the director or a variance request, reach a final decision within 30 calendar days from the date of the final hearing. Each decision of the Board shall be in writing and shall include the basis for the decision. Every decision shall be promptly file-stamped in the office of the development department and shall be available for public inspection. A copy of the decision shall be delivered by mail at the address in the notice of appeal or application for variance to the person who filed the appeal or request for a variance.

(p) *Appeals from decisions of the Construction Board of Appeals.*

- (1) *Method of appeal.* Any person aggrieved by a final decision of the Board may seek review of such decision by petitioning the superior court of the county for a writ of certiorari in accordance with state law.
- (2) *Notice to Board.* In any such petition, the Board shall be designated the respondent in certiorari and the city, along with any other party required by law to be named, shall be named as the defendants in certiorari. The city clerk and the secretary of the Board shall be authorized to acknowledge service of a copy of the petition and writ for the Board as respondent. Service upon the city as defendant shall be as otherwise provided by state law.

(Ord. No. 2017-03-03, § 7-87, 3-19-2018)

Secs. 7-88—7-117. Reserved.

DIVISION 3. PERMITS, PLANS AND OTHER CONSTRUCTION DOCUMENTS

Sec. 7-118. Permits.

- (a) *Permit required.* A permit shall be obtained before beginning construction, erection, alteration or repair to a building or structure, mechanical system, gas system, plumbing system, electrical system, and energy conservation system, other than ordinary repairs. Permits shall be obtained at least eight hours before beginning work. Permits for emergency work shall be obtained within 24 hours after work is commenced.
- (b) *Exception to permit required.* Ordinary repairs to a single-family residential building or structure for which the wholesale cost does not exceed \$1,000.00 shall not be required to obtain a permit.
- (c) *Work commencing before permit issuance.* In addition to any other remedies provided by law, any person, contractor or company commencing any work on a building or structure, mechanical, gas, plumbing, or electrical system before obtaining the required permit shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fee as well as a Stop Work Order.
- (d) *Work exempt from permit.* Exemptions from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of the city. Permits shall not be required for the following:
 - (1) *Building.*
 - a. Fences not over eight feet (2440 mm) high.
 - b. Retaining walls which are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
 - c. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed two to one.
 - d. Painting, papering, tiling, carpeting, cabinets, counter tops, if plumbing is not affected, and similar finish work for which the wholesale cost does not exceed \$3,000.00, where there has been no change in occupant or occupancy.
 - e. Temporary motion picture, television and theater stage sets and scenery.
 - f. Prefabricated swimming pools that are less than 24 inches (610 mm) deep and are installed entirely above ground.
 - g. Swings and other playground equipment accessory to one- and two-family dwellings.
 - h. Window awnings supported by an exterior wall.
 - i. Movable cases, counters and partitions not over five feet, nine inches (1,753 mm) in height.
 - (2) *Electrical.*
 - a. *Repairs and maintenance.* Ordinary repairs, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - b. *Radio and television transmitting stations.* Electrical equipment used for radio and television transmissions, but permits are required for equipment and wiring for power supply, the installation of towers and antennas.
 - c. *Temporary testing systems.* The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
 - (3) *Gas.*

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- a. Portable heating appliances.
 - b. Replacement of any minor component of equipment that does not alter approval of equipment or make such equipment unsafe.
- (4) *Mechanical.*
- a. Portable heating appliances.
 - b. Portable ventilation equipment.
 - c. Portable cooling unit.
 - d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter.
 - e. Replacement of any part which does not alter its approval or make it unsafe.
 - f. Portable evaporative cooler.
 - g. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
- (5) *Plumbing.*
- a. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered new work and a permit shall be obtained and inspection made as provided in this chapter.
 - b. The clearing of stoppages or the repairing of leaks in pipe, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- (e) *Application for permit.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the development department for that purpose. Such application shall:
- (1) Identify and describe the work to be covered by the permit for which application is made.
 - (2) Describe the land on which the proposed work is to be done by street address, legal description or similar description that will readily identify and definitely locate the proposed building or structure or work.
 - (3) Indicate the use and occupancy for which the proposed work is intended.
 - (4) Be accompanied by construction plans and documents and any other information that the Building Official may require to ascertain whether the proposed building meets the requirements of this chapter.
 - (5) State the valuation of the proposed work.
 - (6) Contain the full names, addresses and telephone numbers of the applicant/contractor and the property owner and shall be signed by the applicant/contractor and the property owner.
 - (7) The Building Official may require any additional information to be provided so that an understanding of all work to be performed can be ascertained from the permit application.
- (f) *Action on application.*
- (1) The Building Official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing but no later than 60 calendar days after the filing of a complete application in conformity with this section. If the application or the construction

plans or documents do not conform to the requirements of this chapter, the Building Official shall reject such application in writing, stating the reasons therefor. If the Building Official is satisfied that the proposed work conforms to the requirements of this chapter, the Building Official shall issue a permit therefor as soon as practicable.

- (2) **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 would be granted nor that corrections will not be required in order to meet the provisions of the construction codes.
 - (3) **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 with the Director of Public Works or otherwise properly designated right-of-way controlling authority for the lines of the public street on which he 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.
- (g) *Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless a permit has been issued. The building official is authorized to grant up to three written extensions of time for additional periods not exceeding 90 days each before such application is declared abandoned. The extension shall be requested in writing and justifiable cause demonstrated.
- (h) *Validity of permit.* The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions of this chapter, of any local, state or federal law or any provision of this Code. Permits presuming to give authority to violate or cancel the provisions of this chapter or other provisions of this Code shall not be valid and are void. The issuance of a permit based on construction plans and documents and other data shall not prevent the building official from requiring the correction of errors in the construction plans and documents and other data. The building official is also authorized to prevent occupancy or use of a building or structure where there exists any violation of this chapter or of any other provisions of the Code, or where there exists a hazard to the health, safety and welfare of the public or the occupants of the building or structure.
- (i) *Expiration of permit.* Every permit issued shall become invalid and of no force and effect if the work on the site authorized by such permit is not commenced within 180 days of the issuance of the permit or if no city inspection has been performed within one year after its issuance, or if the work authorized on the site by such permit has been commenced and has been suspended or abandoned or no further city inspection has been performed for a period of 180 days after the work has commenced. The building official is authorized to grant, in writing, one written extension of the permit for a period of not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated.
- (j) *Suspension or revocation.* The Building Official is authorized to suspend or revoke a permit issued under the provisions of this chapter if the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any applicable provision of this Code.
- (k) *Contractor change, reissuing of permit.*
- (1) No permit shall be reissued on any work or job site for which a permit already exists except after notification in writing from the owner of the change in contractor and that the new contractor is authorized by the owner to re-permit the work. Re-issuance of a permit shall make the new contractor responsible for the complete job or system and all work or code deficiencies, if any, as built, erected or installed by the previous or former contractor.

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- (2) The contractor who re-permits the work or job shall pay a re-permit fee in the amount established by action of the city council.
- (l) *Placement of building permit, inspections card, and construction plans.* The building permit or copy, inspections card, and construction plans shall be kept on the site of the work until completion of the work. The inspections card shall be posted within 36 to 48 inches above grade facing the street or in a window of the structure under construction in a manner where it is visible from the street and if outside, in a weatherproof cover. The construction plans shall be kept on the construction site in a manner that they can be produced upon demand by the Building Official.
- (m) *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 of Georgia requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the City with their license number before receiving a permit for work to be performed.
- (n) *Permit issued on basis of 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.
- (o) *Plans.* When the Building Official issues a permit, he shall certify, 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 authorized representative.

(Ord. No. 2017-03-03, § 7-118, 3-19-2018)

Sec. 7-119. Construction plans and documents.

- (a) *Submittal of plans and documents.*
- (1) Construction plans and documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction plans and documents shall be prepared by a registered design professional. When the building official is unable to make a determination as to the grant or denial of a permit based upon the plans submitted with a permit application, the Building Official is authorized to require additional construction plans and documents to be prepared by the applicant or a registered design professional.
- (2) The Building Official is authorized to waive in writing the submission of construction plans and documents and other data required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction plans and documents is not necessary to obtain compliance with this chapter. In addition, construction plans and documents for single-family residential construction do not have to be prepared by a registered design professional unless required by the Building Official in writing.
- (b) *Information on construction plans and documents.* Construction plans and documents shall be dimensioned and drawn upon suitable material. Electronic media construction plans and documents are permitted to be

submitted when approved by the Building Official. Construction plans and documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and all other applicable laws and regulations.

- (c) *Fire protection system shop drawings.* Shop drawings for the fire protection systems shall be submitted to indicate conformance with this chapter and the construction plans and documents and shall be approved by the Building Official prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in chapter 9 of the International Building Code.
- (d) *Manufacturer's installation instructions for installation.* Manufacturer's installation instructions, as required by the International Codes, shall be available on the job site at the time of inspection.
- (e) *Exterior wall envelope.* Construction plans and documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this chapter. The construction plans and documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water resistive membrane, and details around openings. The construction plans and documents shall include manufacturing installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction plans and documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.
- (f) *Means of Egress.* The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this Code. In other than multifamily residential occupancies, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
- (g) *Site plan.* The construction plans and documents submitted with the application for a building permit shall be accompanied by a site plan approved by the development department showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show the construction to be demolished and the location and size of existing structures and construction that are to remain on the site or lot. The Building Official is authorized to waive or modify in writing the requirement for a site plan when application for permit is for alteration or repair or when otherwise warranted.
- (h) *Examination of construction plans and documents.*
 - (1) The Building Official shall examine or cause to be examined the accompanying construction plans and documents and shall ascertain by such examination whether the proposed construction indicated and described is in compliance with the requirements of this chapter and other pertinent provisions of this Code.
 - (2) *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.

- (i) *Approval of construction plans and documents.* When a permit is issued, the construction plans and documents shall be approved, in writing or by stamp, as being in compliance with this chapter. However, the approval of construction plans and documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction plans and documents and other data. One set of construction plans and documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official.
- (j) *Previous approvals.* The enactment of the ordinance from which this division is derived shall not require changes in the construction plans and documents, construction or designated occupancy of a structure for which a lawful permit has been issued prior to enactment of the ordinance from which this division is derived and the construction of which has been pursued and not abandoned within 180 days after the effective date of the ordinance from which this division is derived.
- (k) *Phased approval.* The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction plans and documents for the whole building or structure have been submitted, provided that construction plans and documents and adequate information and detailed statements have been filed complying with pertinent requirements of this chapter. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the approved part of the building construction operation and without any assurance that a permit for the entire structure will be granted in the future.
- (l) *Design professional in responsible charge.*
 - (1) When it is required and requested by the Building Official that construction plans and documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The owner shall notify the Building Official in writing if the registered design professional in responsible charge is changed or is unable to continue to perform the duties required by this Code.
 - (2) The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal plans and documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
- (m) *Deferred submittals.* For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.
 - (1) Deferral of any submittal items shall require prior approval by the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction plans and documents for review by the Building Official.
 - (2) Submittal construction plans and documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal plans and documents have been approved by the Building Official in writing.

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- (n) *Amended construction plans and documents.* Work shall be installed in accordance with the reviewed construction plans and documents, and any changes made during construction that are not in compliance with the approved construction plans and documents shall be resubmitted by the holder of the building permit for approval as an amended set of construction plans and documents.
 - (o) *Retention of construction plans and documents.* One set of approved construction plans and documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work or as required by state or local laws.
 - (p) *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-rated 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-rated floors intersect the exterior walls.
 - (q) *Hazardous occupancies.* The building official may require the following:
 - (1) *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.
 - (2) *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.

(Ord. No. 2017-03-03, § 7-119, 3-19-2018)

Sec. 7-120. Permit fees; revocation.

- (a) *Payment of fees.* A permit shall not be valid until the fees prescribed by the city council have been paid. No amendment to a permit shall be released to the applicant until the additional permit fee, if any, has been paid.
- (b) *Schedule of permit fees.* Permit fees for buildings, structures, mechanical, gas, plumbing and electrical systems shall be determined by the city council. The schedule of fees approved by the city council shall be maintained by the city clerk and the director shall also retain a copy available for public inspection.
- (c) *Related fees.* The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.
- (d) *Refunds.* The city council is authorized to adopt a written refund policy that applies to the refund of permit fees authorized by this chapter.
- (e) *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.

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- (f) *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.
 - (g) *Valuations.* Building permit valuations will be based on current ICC building valuations for the size and type of construction unless otherwise stated within the fee schedule adopted by resolution of the mayor and council.
 - (h) *Revocation of certificates.* A certificate of occupancy, certificate of completion and/or certificate of change of tenant issued pursuant to any provision of this chapter shall be suspended or revoked by the director, and considered void, if:
 - (1) The application for a certificate of occupancy contains false or misleading information, or if the applicant omitted material facts in the application;
 - (2) Changes or alterations in the type of permitted use or occupancy occur without approval required by this Code;
 - (3) Changes or violations of the conditions of the certificate occur without approval required by this Code;
 - (4) Alterations, additions or improvements to the building, structure or systems occur without approval or without obtaining all necessary permits required by this Code;
 - (5) The premises covered by the certificate are found to be in violation of any applicable provision of this Code, state or federal law or codes;
 - (6) The establishment is a threat or nuisance to public health, safety or welfare.
 - (i) No certificate of occupancy, certificate of completion and/or certificate of change of tenant shall be issued pursuant to any provision of this chapter to any applicant, business or legally or organizationally related entity if within 12 months immediately preceding the filing of any application under this chapter the same applicant, business or legally or organizationally related entity requesting a certificate has been denied a certificate or had a certificate revoked for any location based in whole or in part upon having furnished fraudulent or untruthful information in any application or having omitted any material facts in any application.

(Ord. No. 2017-03-03, § 7-120, 3-19-2018)

Sec. 7-121. Demolition permits.

- (a) A demolition site plan shall be submitted as part of the permit application package. The demolition site plan shall depict the trees, structures, and impervious surfaces to be removed; location and size of all trees greater than six inches DBH; construction exits; tree-save areas; and best management practices for erosion control. Additionally, no demolition permit for a single-family detached residence shall be issued in a residential zoning district unless the applicant includes the original threshold elevation, if any, measured and certified by a licensed surveyor or engineer.
- (b) Only dead, diseased, or hazardous trees, as determined by a certified arborist, may be removed pursuant to a demolition permit.
- (c) An excavation site plan shall be submitted as part of the demolition permit application package when the purpose of the excavation is to locate current sewer lines in conjunction with an application for a variance from the front-door threshold elevation pursuant to this Code. The excavation site plan shall depict the boundaries of areas to be excavated, locations of storage areas for excavated materials, the location of structures and impervious surfaces, the location and size of all trees greater than six inches DBH in the footprint of the planned excavation, tree-save areas and best management practices for erosion control.

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(Supp. No. 1)

(Ord. No. 2017-03-03, § 7-121, 3-19-2018)

Sec. 7-122. Temporary structures and uses.

- (a) *Generally.* The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Building Official is authorized to grant one written extension of 90 days. The request for extension shall be in writing and shall specify the justifiable cause.
- (b) *Conformance.* Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this chapter as necessary to ensure the public health, safety and general welfare.
- (c) *Temporary power.* The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion or occupancy has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code, as adopted in article II of this chapter.
- (d) *Termination of approval.* The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued for violation of the Code or applicable state or federal law.

(Ord. No. 2017-03-03, § 7-122, 3-19-2018)

Secs. 7-123—7-142. Reserved.

DIVISION 4. CERTIFICATE OF OCCUPANCY OR TENANCY

Sec. 7-143. Certificates of occupancy, tenancy.

- (a) *Required.* No building or structure or portion thereof shall be occupied or a change made in the type of occupancy or the nature of the use of an existing building or part thereof until after an appropriate certificate as required by this section has been issued.
- (b) *Certificate of occupancy.*
 - (1) *Issuance.* A certificate of occupancy shall not be issued by the Building Official until the building, structure and intended use complies with all applicable requirements of the zoning ordinance, all construction is complete and all required final building, plumbing, mechanical, gas, electric, fire, health, vegetation protection and site drainage inspections have been performed and approved.
 - (2) *Scope.* The certificate of occupancy certifies that all final inspections have been completed and the structure has been erected, to the best of the inspector's knowledge, in compliance with applicable Code requirements at the time of the issuance of the certificate. However, issuance of a certificate of occupancy shall not excuse the builder, contractor, tenant, or property owner from liability for any violation of the Code or any other applicable laws. Occupancy shall be limited to the area or portion of a building or structure defined by the building permit for which the certificate of occupancy is issued.
- (c) *Temporary certificate of occupancy.*

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- (1) *Scope.* A temporary certificate of occupancy may be issued for nonresidential buildings or portions thereof, before the completion of the entire work covered by the permit, for a specified period of time when it has been determined by the Building Official or designee that no outstanding Code violations or deficiencies exist and the building may be safely occupied for the use and time requested. A request for a temporary certificate of occupancy shall be made on such form as prescribed by the Building Official.
 - (2) *Issuance.* A temporary certificate of occupancy shall be issued for stated purposes only when construction has not been fully completed and all final inspections have not been performed for a set time period as determined by the Building Official.
 - (3) *Revocation.* A temporary certificate of occupancy may be revoked, in writing, at the option of the Building Official for any and/or all of the following reasons:
 - a. Violation of any building, plumbing, mechanical, electrical, fire safety or site development codes or regulations.
 - b. Failure to complete any stage of construction and/or site improvements required by the Building Official in a timely manner.
 - c. Unauthorized occupancy or use of any part or portion of the building or structure other than the area or portion for which a temporary certificate of occupancy has been granted.
 - d. Incorrect information supplied by the permit holder.
 - e. Any other conditions that may affect the health, safety and welfare of persons or property.
 - (d) *Certificate of completion.* A certificate of completion shall be issued upon satisfactory completion of a building, structure, and/or plumbing, mechanical, gas or electrical system, when a certificate of occupancy is not required. The certificate of completion does not grant authority to occupy a building or structure or change the type of occupancy or nature of use prior to the issuance of a certificate of occupancy.
 - (e) *Certificate of change of tenant.*
 - (1) *Scope.* A certificate of change of tenant shall be required whenever there is a change of tenant occupancy in any nonresidential building, structure or use and no construction, alterations, improvements or repairs to the building, structure, plumbing, mechanical, gas or electrical systems have been or are to be made. The new tenant or building owner shall be required to submit current as-built floor and fixture plans for review and complete a repair/improvement declaration. Upon approval and payment of a change of tenant fee and satisfactory inspection to determine compliance with the submitted and approved floor and fixture plan, repair/improvement declaration, and applicable sections of this chapter, a certificate of change of tenant shall be issued.
 - (2) *Permits required.* If the change of tenant involves any construction, alterations, improvements or repairs to the building, plumbing, mechanical, gas or electrical systems, all necessary permits required by this chapter shall be obtained by licensed qualified contractors and all necessary inspections shall be performed by the building official before a change of tenant, or if required, a new certificate of occupancy is issued.
 - (f) *Contents of certificates.* Certificates shall contain the following:
 - (1) The building permit number (or in the case of a certificate of completion, the appropriate trade permit number).
 - (2) The address of the structure.
 - (3) The name and address of the owner.
 - (4) A description of that portion of the structure for which the certificate is issued.

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- (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this chapter.
 - (6) The name of the Building Official.
 - (7) The edition of the code under which the permit was issued.
 - (8) If nonresidential, the use and occupancy, in accordance with the provisions of chapter 3 of the International Building Code.
 - (9) If nonresidential, the type of construction, as defined in chapter 6 of the International Building Code.
 - (10) If nonresidential, the design occupant load.
 - (11) If an automatic sprinkler is provided, whether the sprinkler system is required.
 - (12) Any special stipulations and conditions of the building permit.
- (g) *Revocation of certificates.* The building official or designee may revoke certificates of occupancy, certificates of completion, and certificates of change of tenant issued under provisions of this chapter, where it is shown that there have been either one or more of the following:
- (1) Changes or alterations in construction, type of permitted use or occupancy without written approval by the Building Official or designee.
 - (2) Changes or violations of the conditions of the certificate without written approval by the Building Official or designee.
 - (3) Alterations, additions, or improvements to the building, structure, or systems without permits and inspections required by this chapter.
 - (4) Violation of any zoning, building, plumbing, mechanical, electrical, fire safety or site development codes or regulations.
 - (5) Any condition that may affect the building, structure or service system which, in the opinion of the director, renders the building, structure or service system unsafe, dangerous or uninhabitable.
 - (6) After a certificate has been revoked, a valid certificate shall not be issued until all violations, changes, alterations, additions or improvements meet all requirements of this chapter as determined by the Building Official.
- (h) *Posting Floor Loads.*
- (1) *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.
 - (2) *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 a stamped and signed 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.
 - (3) *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 of 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.

(Ord. No. 2017-03-03, § 7-143, 3-19-2018)

Secs. 7-144—7-169. Reserved.

DIVISION 5. INSPECTIONS

Sec. 7-170. Construction or work; approval and accessibility.

- (a) *Generally.* Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of other applicable provisions of the Code. Inspections presuming to give authority to violate or cancel the provisions of this chapter or of other provisions of the Code shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the city shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.
- (b) *Preliminary inspection.* Before issuing a permit, the Building Official is authorized to examine, or cause to be examined, buildings, structures, systems and sites for which an application has been filed.
- (c) *Required inspections.* The Building Official, upon notification, shall make the inspections set forth as follows:
 - (1) *Building.*
 - a. *Foundation and slab inspection.* To be made after trenches are excavated, forms are erected, and reinforcement is installed but before concrete is put in place. The appropriate silt and erosion control measures must be in place and functional.
 - b. *Damproofing inspection.* To be made prior to backfill of crawl space or basement foundation walls.
 - c. *Pre-cladding/sheathing inspection.* To be made after the roof, wall bracing, are installed and prior to placement of exterior cladding. Rough inspections on trades need not be complete for pre-cladding inspection.
 - d. *Roof felt and sheathing inspection.* To be performed after roof felt is installed and prior to covering exterior wall sheathing with felt paper, house wrap or siding as follows: For existing homes having the roof replaced, the inspection shall consist of: Valley flashing consisting of either:
 - 1. Metal flashing at least 24 inches wide having no less than 12 inches on either side of the valley;
 - 2. Self-sealing flashing shall be installed at least 36 inches wide having no less than 18 inches on either side of the valley; or
 - 3. Roll roofing shall be installed at least 36 inches wide having no less than 18 inches on either side of the valley.

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- e. *Frame (rough) inspection.* To be made after wiring, piping, chimneys, duct and vents to be concealed are in place and all fire blocking is in place this inspection occurs before any insulation or wall coverings are installed.
 - f. *Final inspection.* To be made after the building or structure is completed in compliance with this Code prior to issuance of the certificate of occupancy.
- (2) *Electrical.*
- a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, conduit or cable are installed, and before any backfill or concrete is put in place.
 - b. *Rough-in inspection.* To be made after the roof, framing, fire blocking, bracing, and wiring are in place and prior to the installation of insulation and wall and ceiling membranes.
 - c. *Temporary Power Inspection.* Temporary approval for connection to the utility can be granted prior to completion. The temporary connection is only valid for a period not to exceed 90 days.
 - d. *Final inspection.* To be made after the building or structure is complete, all required electrical outlets, switches and fixtures are in place and properly connected or protected, and the building or structure is ready for occupancy.
- (3) *Plumbing.*
- a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, piping installed and before any backfill or concrete is put in place. The appropriate silt and erosion control measures must be in place and functional.
 - b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing are in place and all water, soil, waste and vent piping is complete and prior to the installation of wall and ceiling membranes.
 - c. *Final inspection.* To be made after the building is complete, and all plumbing fixtures and appliances are in place and properly connected, and the structure is ready for occupancy.
 - d. *Testing.* Plumbing work and systems shall be tested as required in section 312 of the International Plumbing Code. Tests shall be made by the permit holder and observed by the Building Official.
- (4) *Mechanical.*
- a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, underground duct and fuel piping is installed and before any backfill and concrete is put in place.
 - b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing are in place and all duct and fuel piping to be concealed are complete and prior to the installation of wall and ceiling membranes.
 - c. No mechanical equipment or ductwork is allowed to be installed in any building that is not adequately sealed from the weather. Any ductwork or equipment contaminated by stormwater must be replaced to prevent a potential mold issue or health hazard, as recommended by the DCA Mold Task Force.
 - d. *Final inspection.* To be made after the building is complete, the mechanical system and appliances are in place and properly connected and the structure is ready for occupancy.
- (5) *Gas.*

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- a. *Rough-in inspection.* To be made after all piping authorized by the permit has been installed and before any such piping has been covered and concealed or any fixtures or appliances have been connected.
 - b. *Final piping inspection.* To be made after all piping authorized by the permit has been installed, after all portions which are to be covered or concealed by wall and ceiling membranes, plastering, stone or brickwork have been so concealed, and before any fixtures or gas appliances have been connected. Log lighters shall be permitted separately and inspected.
 - c. *Testing.* This inspection shall include a gas pressure test.
 - d. *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 the new work or any changes, to ensure compliance with the requirements of this chapter and to ensure that the installation and construction of the gas system is in accordance with reviewed plans.
- (6) *Energy.*
- a. *Insulation inspection.* To be made after all rough inspections are complete and approved and before exterior wall insulation is concealed by wall board to check installation of the exterior insulation envelope and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
 - b. *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. Verification of compliance with all state amendments for the energy code in regard to sealing and compliance certificates where applicable and properly posted.
- (d) *Residential floodplain inspections.* For construction permitted in areas prone to flooding as established by table R301.2(1) of the International Residential Building Code, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of a certification of the elevation of the lowest floor, including basement, prepared by a registered professional engineer or land surveyor, as required in section R327 of the International Residential Building Code.
- (e) *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- (f) *Other inspections.* In addition to any other inspections, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this chapter and other applicable provisions of the code that are enforced by the city.
- (g) *Residential fire-resistance-rated construction inspections.* Where fire-resistance-rated construction is required between dwelling units or due to the location on the property, the Building Official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.
- (h) *Inspection agencies.* The Building Official is authorized to request and accept reports of approved inspection agencies, provided such agencies satisfy the requirements of this chapter.
- (i) *Pre-qualified alternate registered engineer inspections.*
- (1) When it is evident that the city cannot provide an inspection service of construction covered by this chapter within two business days of receiving a valid written request for an inspection, then, in lieu of an inspection by inspections personnel employed by the city, any person, firm, or corporation engaged in a construction project which requires an inspection, shall have the option of retaining, at their own expense, a pre-qualified alternate registered professional engineer who holds a certificate of registration issued under chapter 15 of title 43 of the Official Code of Georgia Annotated, and who is

not an employee or otherwise affiliated with or financially interested in such person, firm, or corporation, to provide the required inspection. Pre-qualified alternate registered professional engineers shall conduct inspections in accordance with all applicable provisions of this Code and state law, including, but not limited to, O.C.G.A. § 8-2-26, as amended.

- (2) The city shall provide for the pre-qualification of alternate registered engineers who may perform inspections pursuant to this section. A pre-qualified alternate registered engineer inspector who personally makes the inspection, shall hold, in addition to the certificate registration required under chapter 15 of the International Code Council/ICC and of title 43 of the Official Code of Georgia Annotated, a certification that matches his area of expertise. Pre-qualified alternate registered engineers may provide inspections in their scope of expertise providing they hold the aforementioned certifications that match their expertise. In lieu of personally holding an International Code Council certification, a registered engineer may employ technicians who hold the required appropriate International Code Council certifications to actually make the inspections. These employees shall also be pre-qualified by the city. Inspection reports submitted to the city shall contain both the certified technician's signature and the signature and seal of the pre-qualified alternate registered engineer and their dates of certification.
 - (3) Pre-qualified alternate registered engineer inspections and reports shall be accepted only from persons or firms who have been pre-qualified by the Building Official. The requirements, procedures, application forms and report forms shall be as required by the Building Official.
- (j) *Inspections requests.* It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide safe access to and a safe means for inspection of such work for any inspections that are required by this chapter.
- (k) *Approval required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.
- (l) *Re-inspection fee.* Re-inspection fees shall be required in accordance with the fee schedule as adopted by the city council when work performed is required to be re-inspected due to the following reasons:
- (1) The re-inspection is not approved due to a failure to correct a previously noted code violation on a prior inspection;
 - (2) The job is not ready for inspection when an inspection is requested and performed;
 - (3) The building or structure is not accessible and inspection cannot be performed;
 - (4) Work to be inspected has been covered or concealed and proper inspection cannot be performed; or
 - (5) Prior issuance of a stop work order requires re-inspection.
- (m) *Right-of-entry.* Inspections required under the provisions of this chapter shall be made by the Building Official or designee. Upon presentation of proper credentials, the Building Official or designee may enter the premises between 8:00 a.m. and 7:00 p.m. to perform any duty imposed by this chapter, provided that the building official or designee has consent to enter the premises or has obtained and presents an inspection warrant as described in this chapter.
- (n) *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.

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- (o) *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 issuance of the certificate of occupancy or completion.
 - (p) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his 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 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.

(Ord. No. 2017-03-03, § 7-170, 3-19-2018)

Sec. 7-171. Inspection warrants.

- (a) The Building Official, in addition to other procedures provided by law, may obtain an inspection warrant under the conditions specified in this section. The warrant shall authorize the Building Official to conduct a search or inspection of property without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.
- (b) Inspection warrants may be issued by any judge of the municipal court when the issuing judge is satisfied that all of the following conditions are met:
 - (1) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property, or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property;
 - (2) The issuing judge determines that the issuance of the warrant is authorized by this division and all other applicable law;
 - (3) The warrant is attached to the affidavit required to be made in order to obtain the warrant;
 - (4) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes a search or inspection;
 - (5) The warrant indicates the conditions, objects, activities, or circumstances which the search or inspection is intended to check or reveal; and
 - (6) The warrant refers, in general terms, to the provisions of the Code or state law sought to be enforced.

(Ord. No. 2017-03-03, § 7-171, 3-19-2018)

Secs. 7-172—7-195. Reserved.

DIVISION 6. ADDITIONAL RESTRICTIONS REGARDING CONSTRUCTION

Sec. 7-196. Requirements for construction.

- (a) A permit application for a building permit shall include a site plan. The site plan shall delineate the proposed grading for the entire site, the stormwater control measures proposed to protect adjacent properties, erosion control, water quality measures, and include a tree survey and a tree protection plan.
- (b) An applicant shall also indicate on the site plan the location of the following construction-related items:
 - (1) Dumpsters or other onsite disposal equipment;
 - (2) Portable toilets;
 - (3) Onsite parking for construction vehicles;
 - (4) Construction material staging and storage; and
 - (5) Borrow or stockpile areas.
- (c) Construction activity and deliveries shall be limited to:

Monday—Friday	7:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.

There shall be no construction activity or deliveries on Sundays, New Year's Day, Thanksgiving Day, Christmas Day, Memorial Day, July fourth or Labor Day unless such activity arises from an emergency which puts the site or neighboring property owners and their property at risk of harm or loss.

- (d) Dumpsters or any onsite waste disposal equipment may not be located on the street. If adequate traffic controls can be implemented, the director or designee may approve the placement of dumpsters and onsite waste disposal equipment on a street so long as the street has a paved width greater than 24 feet.
- (e) Portable toilets shall be located off of the right-of-way and at least 15 feet from any side property line.
- (f) Wherever possible, temporary parking shall be provided onsite and not on the street.
- (g) The distance between a retaining wall and the side property line on all single-family detached residential lots shall be equal to at least half of the distance between the side property line and the required setback line. Unless a variance is obtained pursuant to the provisions of the zoning ordinance, newly constructed retaining walls shall not be higher than four feet. However, existing retaining walls may be repaired and replaced so long as the height of the repaired or replaced wall does not increase in height over the original height of the wall.
- (h) Existing drainage patterns located along property lines shall not be adversely affected by construction of a building or any associated site work.
- (i) The applicant for construction on any lot shall be responsible for ensuring that all existing sewer services and taps from the buildings to the street shall be inspected and verified to be in proper condition prior to connection.

(Ord. No. 2017-03-03, § 7-196, 3-19-2018)

Sec. 7-197. Utility service connections.

- (a) *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this chapter for which a permit is required, until approved by the Building Official.

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- (b) *Permanent electrical service connection.* Permanent electrical service connection and meter shall not be authorized until all required final building, plumbing, mechanical, gas, electrical, drainage, vegetation, fire and health inspections have been performed and approved by the appropriate city or state department or official, as applicable.
 - (c) *Permanent gas service connection.* Permanent gas service connection and meter shall not be authorized until the gas supply house line has been tested, inspected and approved and all appliance and equipment connections have been inspected and approved.
 - (d) *Temporary electrical and gas service connections.* Temporary electrical and gas service and meter connections may be authorized for a specified period of time when the system has been inspected and found to be safe for the connections and use authorized. Such temporary service connections shall be authorized only for the following reasons:
 - (1) Testing of appliances and equipment.
 - (2) To provide heat during the winter months to prevent freeze damage to water systems and equipment and, including, but not limited to, installation of wallpaper or painting.
 - (3) Temporary occupancy of the building or structure only for the training of employees or stocking of merchandise.
 - (4) Single-tenant occupancy buildings and multi-tenant occupancy buildings for which temporary service connections have been authorized shall not be allowed access by the general public for business activity other than those allowed in subsections (d)(1) through (3) of this section.
 - (5) Application for temporary service connections and meters shall be made on such forms as prescribed by the director.
 - (e) *Authority to disconnect utility services.* The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this chapter in case of an emergency, where necessary, to eliminate an immediate danger to life or property or when such temporary connection has been made without the approval required by this section. The Building Official shall notify the serving utility, and where possible, the owner and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service 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.
 - (f) *Connection after order to disconnect.* No person shall make connections from any energy, fuel, power supply or water distribution system or supply energy, fuel or water to any equipment regulated by this chapter that has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

(Ord. No. 2017-03-03, § 7-197, 3-19-2018)

Secs. 7-198 7-210. Reserved.

ARTICLE IV. TRENCHING

Sec. 7-211. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

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.

OSHA means the U.S. Department of Labor, Occupational Safety and Health Administration, or successor agency.

Supervisory Personnel means any person who has the responsibility for layout, oversight, superintending, directing or controlling an excavation or trench.

Trench means 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.

(Ord. No. 2017-03-03, § 7-211, 3-19-2018)

Sec. 7-212. 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 applicable laws of the State of Georgia or 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.

(Ord. No. 2017-03-03, § 7-212, 3-19-2018)

Sec. 7-213. Adoption of federal regulations.

All safety and health regulations adopted by OSHA in regards to excavating and trenching operations, particularly Part 1926, subpart P-Excavations, Trenching, and Shoring, sections 1926.650, 1926.651, 1926.652 and 1926.653 of the Code of Federal Regulations (29 CFR 650 et seq.), 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.

(Ord. No. 2017-03-03, § 7-213, 3-19-2018)

Sec. 7-214. 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 reissued one time upon repeat by the person of the educational program required for issuance of the initial certificate.

(Ord. No. 2017-03-03, § 7-214, 3-19-2018)

Sec. 7-215. 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.
- (Ord. No. 2017-03-03, § 7-215, 3-19-2018)

Sec. 7-216. 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 adopted. The inspectors may operate pursuant to a contract between the city and a third-party entity.

(Ord. No. 2017-03-03, § 7-216, 3-19-2018)

Sec. 7-217. Violations.

Violations of this article shall be punished as provided in this Code.

(Ord. No. 2017-03-03, § 7-217, 3-19-2018)

Sec. 7-218. Appeals.

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

(Ord. No. 2017-03-03, § 7-218, 3-19-2018)

Secs. 7-219—7-230. Reserved.

ARTICLE V. UNSAFE BUILDINGS

Sec. 7-231. Finding of existence of nuisances.

- (a) The governing authority of the City finds and declares that within the city limits there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the City or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the City and the State, and that public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

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- (b) It is further found and declared that in the City where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the city, and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. The governing authority of the City finds that there exist in the City dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist, rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the City; or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, and private property exists, constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.
- (c) It is the intention of the governing authority that this article shall comply with and does comply with O.C.G.A. § 41-2-9(b) as a finding that conditions as set out in O.C.G.A. § 41-2-7 exist within the City.

(Ord. No. 2017-03-03, § 7-231, 3-19-2018)

Sec. 7-232. Continued use of other laws and ordinances.

It is the intent of the Mayor and City Council that nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of any local enabling act, charter, or ordinance or regulation nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.

(Ord. No. 2017-03-03, § 7-232, 3-19-2018)

Sec. 7-233. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicable codes means:

- (1) Any optional housing or abatement standard provided in O.C.G.A. § 8-2-1 et seq. as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;
- (2) Any fire or life safety code as provided for in O.C.G.A. § 25-2-1 et seq; and
- (3) Any minimum standard codes provided in O.C.G.A. § 8-2-1 et seq., provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

Closing means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

Drug crime means an act which is a violation of O.C.G.A. § 16-13-20 et seq., known as the Georgia Controlled Substances Act.

Dwelling, building, or structure means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. The term "dwelling, building, or structure" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Governing authority means the Mayor and Council of the City of Stonecrest, Georgia.

Municipality means any incorporated city within the State of Georgia.

Owner means the holder of the title in fee simple and every mortgagee of record.

Parties in interest means:

- (1) Persons in possession of said property and premises;
- (2) Persons having of record in the County in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the public health hazard or general nuisance exists based upon a 50-year title examination conducted in accordance with the title standards of the State Bar of Georgia;
- (3) Persons having paid an occupational tax to the Governing Authority for a location or office at the subject building or structure; or
- (4) Persons having filed a property tax return with the Governing Authority as to the subject property, building, or structure.

Public authority means any member of a Governing Authority, any housing authority office, or any office who is in charge of any department or branch of the government of the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or municipality.

Public officer means the officer or officers who are authorized by O.C.G.A. § § 41-2-7, 41-2-8 and 41-2-9 through 41-2-17 and by this article adopted under O.C.G.A. § § 41-2-7, 41-2-8, and 41-2-9 through 41-2-17 to exercise the powers prescribed by this article or any agent of such officer or officers.

Repair means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

Resident means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

(Ord. No. 2017-03-03, § 7-233, 3-19-2018)

Sec. 7-234. Duties of owners; appointment of public officer; procedures for having premises declared unsafe or unhealthful.

- (a) It is the duty of the owner of every dwelling, building, structure, or property within the City to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the City, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such codes or ordinances.

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- (b) The City Manager shall appoint or designate the City Code Enforcement Officer, City Fire Marshal (if applicable), City Fire Chief (if applicable), City Police Chief, Building Inspector, and their designees as public officers to exercise the powers prescribed by this article.
- (c) Whenever a request is filed with the Public Officer by a Public Authority or by at least five residents of the City charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial or business use and not in compliance with applicable codes: is vacant and being used in connection with the commission of drug crimes: or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Public Officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the Officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Public Officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference: identify the owner and the parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the Public Officer to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing will be held before the Stonecrest Municipal Court, at a date and time certain. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.
- (d) If, after such notice and hearing, the Court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing, an order:
- (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
 - (2) If the repair, alteration, or improvement of the said dwelling, building, or structure, in order to bring it into full compliance with applicable codes relevant to the cited violations, cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For the purposes of this article, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building or structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered, Income and financial status of the owner shall not be factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a state appraiser classification as provided in O.C.G.A. title 41, chapter 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair,

alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

- (e) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the Public Officer may cause such dwelling, building, or structure, to be repaired, altered, improved, vacated and closed, or demolished. The Public Officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

- (f) If the Public Officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any monies received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The Public Officer and the City are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.
- (g) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.
- (h) Process for administering, collecting or waiving lien.
- (1) The lien provided for in subsection (g) of this section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the office of the clerk of Superior Court in DeKalb County and shall relate back to the date of the filing of the lis pendens notice required under O.C.G.A. § 41-2-12(g). The Clerk of Superior Court shall record and index such certified copy of the order in the deed records of DeKalb County and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the Clerk of Superior Court, the public officer shall forward a copy of the order and a final statement of costs to the county tax commissioner. It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem tax, including specifically O.C.G.A. § 48-4-1—48-4-81; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure, shall not apply. The tax commissioner shall remit the amount collected to the governing authority of the City. Thirty days after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.
 - (2) The tax commissioner shall collect and retain an amount equal to the cost of administering a lien authorized by O.C.G.A. § 41-2-7 et seq. unless such costs are waived by resolution of the County. Any such amount collected and retained for administration shall be deposited in the general fund of the County to pay the cost of administering the lien.
 - (3) The City may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the municipality agreeing to a timetable for rehabilitation of the real property of the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

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- (i) Where the abatement action does not commence in the Superior Court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the Superior Court under O.C.G.A. § 5-3-29.
 - (j) The Public Officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and may seek to enforce such citation in the Municipal Court prior to issuing a complaint in rem as provided in this article.
 - (k) Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. No. 2017-03-03, § 7-234, 3-19-2018)

Sec. 7-235. Determination by public officers that dwellings, buildings or structures are vacant and sample conditions of nuisances.

- (a) The Public Officer may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwelling, buildings, or structures; or of other residents of the City. Such conditions include the following (without limiting the generality of the foregoing):
 - (1) Defects therein increasing the hazards of fire, accidents or other calamities;
 - (2) Lack of adequate ventilation, light, or sanitary facilities;
 - (3) Dilapidation;
 - (4) Disrepair;
 - (5) Structural defects;
 - (6) Uncleanliness; and
 - (7) Other additional standards, which may from time to time be adopted and referenced herein by ordinance amendment.
- (b) The Public Officer may determine, under existing ordinances, that a dwelling, building or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes based upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

(Ord. No. 2017-03-03, § 7-235, 3-19-2018)

Sec. 7-236. Powers of public officers.

The Public Officers designated in this article shall have the following powers:

- (1) To investigate the dwelling conditions in the City in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;
- (2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;

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- (3) To enter upon premises for the purpose of making examinations; provided; however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
 - (4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this article; and
 - (5) To delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

(Ord. No. 2017-03-03, § 7-236, 3-19-2018)

Sec. 7-237. Service of complaints and other filings.

- (a) Complaints issued by a Public Officer pursuant to this article shall be served in the following manner:
 - (1) At least 14 days prior to the date of the hearing, the Public Officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable.
 - (2) Copies of the complaint shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
 - (3) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in DeKalb County once a week for two consecutive weeks prior to the hearing.
- (b) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided above on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

(Ord. No. 2017-03-03, § 7-237, 3-19-2018)