



Hart County Board of Commissioners  
Tuesday July 27, 2021  
6:00 p.m.

1. PRAYER
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. WELCOME
5. APPROVE AGENDA
6. APPROVE MINUTES OF PREVIOUS MEETING(S)
  - 7/13/2021 Reg Meeting
7. REMARKS BY INVITED GUESTS, COMMITTEES, AUTHORITIES
8. REPORTS BY CONSTITUTIONAL OFFICERS & DEPARTMENT HEADS
9. COUNTY ADMINISTRATOR'S REPORT
10. CHAIRMAN'S REPORT
11. COMMISSIONERS' REPORTS
12. OLD BUSINESS
  - a) Amendment to Chapter 22, Article V – Private Rendering Plant (1<sup>st</sup> Reading)
  - b) Road Stripping List
13. NEW BUSINESS
  - a) Consultant to Audit ISO Status
  - b) Discussion on Chapter 46, Land Development Standards and Chapter 50, Mobile Homes and Trailers Ordinances need for updating
  - c) Adopting Building Codes and hiring of a Building Inspector
14. PUBLIC COMMENT
15. EXECUTIVE SESSION – Real Estate
16. ADJOURNMENT

Hart County Board of Commissioners  
July 13, 2021  
6:00 p.m.

Hart County Board of Commissioners met July 13, 2021 at the Hart County Administrative & Emergency Services Center.

Chairman Marshall Sayer presided with Commissioners Michael Bennett, Frankie Teasley, Ricky Carter and Joey Dorsey in attendance.

1. Prayer

Commissioner Dorsey opened the meeting with prayer.

2. Pledge of Allegiance

Everyone stood in observance of the Pledge of Allegiance.

3. Call to Order

Chairman Sayer called the meeting to order.

4. Welcome

Chairman Sayer welcomed those in attendance.

5. Approve Agenda

Commissioner Teasley moved to approve the meeting agenda. Commissioner Dorsey provided a second to the motion. The motion carried 5-0.

6. Approve Minutes of Previous Meeting(S)

- 6/22/2021 Reg Meeting
- 6/29/2021 Called Meeting

Commissioner Dorsey moved to approve the meeting minutes of June 22, 2021. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

7. Remarks By Invited Guests, Committees, Authorities

Dr. Nathaniel Clark

Dr. Nathaniel Clark, representing Historical Recognition of Hart County Training School Inc., reported as part of Executive Order 13985 signed by President Biden there are funds available to improve equity in underserved areas. The Historical Recognition group wants to develop a relationship with the BOC for their support for funding; addressed concerns for restoration of the gymnasium at the Training Center; need for a community center; improve education and improve equity for the Rome community.

8. Reports by Constitutional Officers & Department Heads

County Attorney Walter Gordon thanked Dr. Clark and presented the BOC with a draft for rendering plant(s).

9. County Administrator's Report

June Financial Report

County Administrator Terrell Partain presented the financial report for the month ending June 30 for General Fund and Payne's Creek Campground; and announced the Vietnam Traveling Wall will be set up at Catteechee Golf Club the first of September.

#### 10. Chairman's Report

Chairman Sayer thanked Ronald Temple, Terrell Partain and Lisa Cartledge for their efforts with opening Payne's Creek Campground.

Administrator Partain announced Milltown Campground will be open by the weekend.

#### 11. Commissioners' Reports

Commissioner Bennett reported he is putting together a list of roads in his district for road stripping projects.

Commissioner Teasley thanked Law Enforcement, Public Safety, EMS and all county employees for what they do.

Commissioner Dorsey congratulated Junior League All Star for winning District 7 and moving on to State Championship Tournament; announced an end to an era for Paramedics Ronnie Thompson and Leah Mize full time employment status as they move on to nursing school; and change in traffic patterns for four way stop on Hwy 172 at the intersection of Clay Brown Road/Bio Church Road beginning July 14.

Chairman Sayer thanked GDOT for placing truck route signs on Hwy 51.

#### 12. Old Business

##### a) Silver Oaks Homes North Point Subdivision Revision (Tabled 6/22/21)

Commissioner Dorsey moved to remove the item from the table. Commissioner Carter provided a second to the motion. The motion carried 5-0.

Chairman Sayer stated the BOC has concerns that homeowners bought into the subdivision with the understanding lots sizes were one acre lots; county wasn't aware of restricted covenants prior to approving ½ acre lots.

Attorney Joshua Rand and part owner of the development company, responded the covenants are individual and specific to each deed and is not applicable; the original intent was based upon wells as the water source; county water is now available; and there is no master covenant of record.

Land development owner Doug Mauk stated previous land owner Greg Parker paid to have county water installed in the subdivision; all wells have been capped off; they are seeking approval for three lots.

Chairman Sayer moved to approve Silver Oaks Homes North Point Subdivision Revision. Commissioner Bennett provided a second to the motion. The motion carried 4-1 (Commissioner Dorsey opposed).

##### b) Legacy Link Contract Amendment

Commissioner Dorsey moved to approve Legacy Link Contract Amendment for fiscal 2022. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

### 13. New Business

#### a) MOU Board of Regents for Cooperative Extension Services

Commissioner Carter moved to add verbiage to include the BOC in the employment selection process for new hires. Chairman Sayer provided a second to the motion. The motion carried 5-0.

#### b) Hart County Water and Sewer Authority Community Development Block Grant (CDBG) Application

Director Pat Goran thanked the BOC for their support in the past with CDBG grants which targets 70% of low-income areas; April 1, 2022 is the deadline for submitting the grant application and asked the BOC for support.

Commissioner Dorsey moved to support HCW&SA request for support to apply for Community Development Block Grant. Commissioner Carter provided a second to the motion. The motion carried 5-0.

#### c) Selection of Construction Manager – at Rick for Jail Project

Commissioner Dorsey moved to approve Charles Black Construction Inc for the new jail project. Commissioner Carter provided a second to the motion.

Attorney Gordon stated a financial advisor and bond attorney will be the next process with the project.

Chairman Sayer called for the vote. The motion carried 5-0.

#### d) Acceptance of the American Rescue Plan Act (ARPC) Funds

Administrator Partain explained the American Rescue Plan Act was passed by Congress in March to provide funds to local governments to be spent as allowed by law; the funds will be set up through a special revenue account as prescribed by State Law.

Commissioner Carter moved to accept the American Rescue Plan Act Funds. Commissioner Bennett provided a second to the motion. The motion carried 5-0.

#### e) Annexation Request Parcel 156J 028 into City of Hartwell

Commissioner Dorsey moved to approve the annexation request for parcel 156J 028 into the City of Hartwell contingent upon the City providing services, other than law enforcement. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

### 14. Public Comment

None

### 15. Executive Session – Litigation

Commissioner Teasley moved to exit into Executive Session to discuss litigation matters. Commissioner Bennett provided a second to the motion. The motion carried 5-0.

Commissioner Teasley moved to reconvene the regular meeting session. Commissioner Bennett provided a second to the motion. The motion carried 5-0.

### 16. Adjournment

Commissioner Teasley moved to adjourn the meeting. Commissioner Dorsey provided a second to the motion. The motion carried 5-0.

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Marshall Sayer, Chairman

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Lawana Kahn, County Clerk



**MEMORANDUM**

Terrell Partain,  
County Administrator  
July 23, 2021

RE: Item 12 A: Amendment to Chapter 22, Article V – Private Rendering Plant (1st Reading)

The attached amendment is ready for a first reading.

**Amendment to Chapter 22, Article V – Private Rendering Plant  
Hart County Code of Ordinances**

• **Sec. 23-1. - Standards.**

- (a) No person, firm or corporation shall commence or continue the operation of slaughterhouses, abattoirs, or rendering plant for the disposal, alteration or any other use of animals and animal parts, regardless of type or species, except upon payment of the fee prescribed herein, the issuance of a license, and/or that license continued in force, and upon compliance with the terms and conditions set forth herein.
- (b) Privately owned rendering plants, slaughterhouses and abattoirs and such operations shall follow all applicable federal and state laws, rules, and regulations.
- (c) The operator shall have obtained and shall maintain in force valid permits from the appropriate federal and state regulatory agencies, in addition to the local permits provided for herein.
- (d) The plant shall be operated at all times in full compliance with the terms of any permit from regulatory agencies, and all applicable federal state and County laws and regulations, as amended. In the event of a conflict between this article and other laws or regulations, the most stringent shall apply.
- (e) The County or its designee shall have the right to inspect the plant at its discretion to insure that said site complies with the laws, ordinances, rules and regulations of Hart County and the State of Georgia.
- (f) The plant shall be operated in an efficient and workmanlike manner and in such fashion that it does not constitute a nuisance to others. The facility shall be operated so as to prevent air, land or water pollution, or public health hazards.
- (g) The plant operator shall not allow disposal of any animal waste material produced in any landfill of solid waste or of nonsolid waste which in Hart County, or any other site except on property owned by operators of the plant.
- (h) The operator of a rendering plant shall obtain and maintain in force throughout the period of time that the operator holds a license for the rendering plant a performance bond with good and sufficient security payable to the County in the penal amount of \$500,000.00 conditioned upon compliance by the operator of the plant with federal and state law and County ordinances respecting the operations of rendering plants.

The requirement for furnishing good and sufficient security shall be deemed to have been satisfied if:

- (1) The bond which is furnished is secured by a corporate surety engaged in that business and authorized to do business in the state;
- (2) The bond is accompanied by the deposit in a federally insured bank in the sum of \$500,000.00 by a certificate (or certificates) of deposit issued jointly in the name of the principal and the County; or
- (3) The bond is accompanied by a current letter of credit from a federally-insured bank in the amount of \$500,000.00, which letter of credit shall be renewed at least annually. The operator and the issuing bank shall immediately notify the County upon revocation, limitation, or other material change.

If a cash deposit is made and certificate or certificates of deposit issued, the terms of the deposit shall be such that the principal may not withdraw the amount so long as the principal is engaged in the rendering business in the County without the consent of the County, but may be drawn against by the County at any time upon presentation of a resolution of the Board that the sum to be withdrawn has been determined by the Board of Commissioners to be necessary to cure a breach of the bond. Until otherwise ordered by the Board, interest on a bond shall be paid to the other joint owner. If a letter of credit is furnished, the County shall be entitled to draw upon the letter of credit in the same manner as it might draw upon a cash deposit. In the event of cancellation or withdrawal of the letter of credit, the license of the principal to conduct a rendering operation shall automatically be suspended, and such operation shall cease immediately.

- (i) The operator of a rendering plant shall obtain and maintain in force at all times a general public liability policy which will insure against injury or death to persons and injury or damage to property in the amounts, respectively, of \$1,000,000.00 and \$500,000.00, and said policy shall provide for 30 days prior notice of cancellation to be made in writing to the County.
- (j) The operator of the rendering plant shall maintain records which will reflect, at a minimum, the date and hour of the delivery of each load of animal matter, the name and address of the owner of the material, the weight and volume, and a general description of the material which is delivered to the plant. The operator of the rendering plant shall file in the office of the County Administrator a copy of such records for processing by the tenth day of the following month reflecting plant operations for the preceding calendar month. The plant operator shall likewise

furnish such other and further information to the County Administrator as he may require in order to verify the actual plant operation.

(k) Every operator shall make the plant and the records maintained in connection therewith available for inspection at all reasonable times by the County Administrator or other person designated by the governing authority of the County so as to enable the County to determine whether the plant is being operated properly.

(l) In addition to other remedies, if the County shall determine that a plant is being operated in violation of the provisions hereof, the Board may order the plant closed or its operation suspended and in default of compliance with such order, the Board may seek an injunction to restrain further operations either on a permanent basis or until violations hereof are corrected.

(m) Rendering plant business hours shall commence no earlier than 6:00 a.m. and cease by 6:00 p.m. Monday through Saturday.

(n) Within 30 days of commencing rendering activities, the operator will provide to the County a copy of the notice having been placed on the recorded property deed that the property will be used for rendering operations.

(o) Upon final closure, all deeds for real property which have been used for rendering shall include notice of the rendering operations, the dates the plant operation commenced and terminated, an accurate legal description of the actual location of the rendering plant, and a description of the type of material processed by the plant. The owner or operator must, concurrently with the submission of notice of final closure, submit to the County confirmation that the information required in this section has been recorded on the property deed(s). Said notice of final closure must be provided to the County within 30 days of receiving the final load of material and shall contain an accurate legal description of the boundaries of the plant.

(p) Any rendering plant site not in operation for a period in excess of 180 days shall be deemed abandoned and in violation of this article unless properly closed.

(q) All facilities shall have an operator in attendance at all times when the plant is in use, and the plant must be barricaded when closed to the public.

(r) In addition to the residential buffer fence set forth below, all rendering plants shall be enclosed with a security fence at least six feet in height with openings therein not more than those in two-inch mesh wire or some other similar fencing materials.

(s) Any changes in the normal drainage of the property upon which the facility is located shall be accommodated by storm sewers, or other appropriate devices installed at the expense of the operator, as necessary to properly provide for adequate drainage.

(t) Access:

(1) Access from paved public roads shall be required. All roads within the property shall meet the standards for paved roads set forth in the Hart County Code of Ordinances.

(2) The operator of a rendering plant is required to submit an impact study prepared by a registered engineer, which shall address the following:

- a. Projected traffic counts identifying peak morning, afternoon and evening traffic;
- b. A determination of the present level of capacity and location and amount of excess capacities of local roadways;
- c. Projected estimates of trips to be generated by proposed rendering plant for present and future traffic; and
- d. Show impact of the proposed rendering plant upon road system abutting the plant property and recommend improvements to the physical layout of said roadways for safe and efficient traffic operation.

1. Truck traffic routes and entrances to the facility must be reviewed and approved by the County, and if applicable, the state Department of Transportation.

2. If the proposed plant is accessed from a County road, the operator shall be responsible for improving the County road to accommodate the increased traffic and loads; said improvements are to be determined and approved by the County.

3. Access shall not be allowed through any residential subdivision or residential development.

4. Access to the plant site shall be limited to authorized entrances, which shall be closed when the plant is not in operation.

5. It shall be the responsibility of the operator to keep all access roads to the site clean and free of litter and debris.

(l) *Buffer*: For the purposes of this section, distance shall be by airline measurement from the property line, using the closest property lines. The required buffer shall be:

(1) A minimum of 1000-foot wide buffer is required adjacent to any property line containing a residential use. Further, a minimum six-foot high solid fence/wall shall be required inside buffers adjacent to any property line containing a residential use.

(2) A minimum 250-foot wide buffer is required adjacent to public rights-of-way.

(3) A minimum 1500-foot buffer is required from the location of any well used for drinking water.

(4) A minimum 1500-foot wide buffer is required adjacent to any property line upon which a church, school, government building, library, civic center, public park or playground is located.

(5) A minimum 10,560 feet (two miles) distance is required from any parcel of land with the same or similar use.

(6) A minimum of 10,560 feet (two miles) distance, or any additional distance promulgated by the environmental protection division, is required from the USACE line of Lake Hartwell, the Savannah River, or any tributaries thereto.

- **Sec. 23-2. – Odor control.**

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- **Sec. 23-3. - Requirements for license issuance.**

(a) Each applicant shall apply to the County clerk for the license required by this article by sworn statement that all of the requirements of this article have been met, and shall specifically set forth exactly how each such requirement was met.

(b) Attached to each such application shall be the following:

(1) Evidence of valid permits from the appropriate federal and state regulatory agencies approving the use of said property as a privately owned rendering plant.

(2) Evidence of bond compliance as set forth herein.

(3) Evidence of liability insurance as set forth herein.

(4) A copy of the traffic study as set forth herein.

(5) A sworn certification by a Georgia registered engineer that the site meets state and federal standards for rendering plants.

(c) All applications must be filed at least 90 days prior to the date on which the application is to be considered by the Board.

(d) The application shall be considered only after a duly published public hearing. Notice of the hearing shall be published once a week for four weeks in the legal organ of the County within

the four weeks immediately preceding the hearing, and shall contain notice that the applicant has applied to the County for a license to operate a rendering plant therein, stating the name of the applicant and the proposed location of the rendering plant. Said notice shall further state the date, time and location of the public hearing. The notice shall be posted on the property, at the Hart County Courthouse and Courthouse Annex, and at the Hart County Administrative Building.

(e) The application will be considered, the public hearing held, and licenses granted or denied only at a regular meeting of the Board.

(f) If the owner of the rendering plant is an individual, the application shall be made by such individual unless he is not a citizen of the state. In such event, the application shall be made by a person who is a citizen of the state and who is actively engaged in the management of the rendering plant for which such license is sought.

(g) If the owner of the rendering plant for which a license is sought is a firm, partnership or corporation, the application shall be made by one of the partners or an officer of the corporation who is actively engaged in the management of the rendering plant and owner of at least 25 percent of the corporation or partnership.

(h) If an application is refused or withdrawn after being placed on the Board's agenda for consideration, no application for the same location will be accepted for one year from the date of filing the application.

(i) Every application for a license required by this article, excluding renewals, shall be accompanied by a nonrefundable application fee in the amount of \$5,000.00. This fee shall be paid by cash or certified check, cashier's check, or money order made payable to Hart County, said fee to be used to defray the cost of processing the application.

(j) Applicants shall submit a sworn statement annually that all of the requirements of this article have continuously been met and will continue to be met in the coming year, specifically delineating each such requirement. The statement shall be accompanied by an annual license fee in the amount of \$2,500.00, payable in the same manner as the application fee.

- **Sec. 23-4. - Small scale exception.**

Any person or corporation proposing to operate a small scale slaughterhouse or abattoir may seek a small scale slaughterhouse license. A small scale slaughterhouse shall include home based operations designed to slaughter deer, hogs, cows, or other animals for domestic use or consumption as long as no more than fifty (50) animals are slaughtered and/or processed in any twelve month period. Records of all animals shall be retained for inspection, showing the type

of animal, the owner thereof, the operation or procedure completed, and the disposition of any remaining animal parts. The fee for licensing shall be fifty dollars (\$50.00) per year, and the operator/licensee shall be exempt from compliance with Sections 23.1(h), 23.1(j), 23.1(m), 23.1(n) through the end of Section 23-1, and Section 23-3.

- **Sec. 23-5. - Enforcement.**

This article shall be enforced in the same manner as other ordinances of the County, and violations shall be a misdemeanor for which the violator may be fined a sum not to exceed \$1,000.00 or imprisoned for a term of six months either or both in the discretion of the courts. Each offense shall be considered separately for purposes of this article. Continuing offenses may, in the discretion of the courts, constitute a separate offense for each day that offense continues. The court may also exercise its equitable powers to suspend or terminate the operation of the rendering plant if warranted by the facts of the case.

All law enforcement agencies, officers, and officials of this state and County are authorized, empowered and directed to enforce compliance with this article.

SO RESOLVED, in open and public meetings on the dates set forth below.

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MARSHALL SAYER, Chairman

ATTEST:

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Lawana Kahn, County Clerk

1<sup>st</sup> Reading: July 27, 2021

2<sup>nd</sup> Reading: August 10, 2021

3<sup>rd</sup> Reading: August 24, 2021

Adopted on August 24, 2021 by vote of \_\_\_\_ to \_\_\_\_.



## **MEMORANDUM**

Terrell Partain,  
County Administrator  
July 23, 2021

RE: Item 12 B: Road Stripping List

I have received most of the Commissioners district request for roads to be re-stripped. The action requested is for permission to sent out for bid as soon as I receive the final roads from all Commissioners and Road Superintendent.



## **MEMORANDUM**

Terrell Partain,  
County Administrator  
July 23, 2021

RE: Item 13 A: Consultant to Audit ISO Status

We have experienced considerable growth and will continue to see for the foreseeable future since the last ISO inspection. We should be in line for the next inspection in the next year or so. To stay ahead of the curve, we would like to bring a consultant in to evaluate the changes that our growth and or in the ISO requirements from the last evaluation to date. If there are shortfalls present because of either, we will have time to address them before the ISO performs their next evaluation. Our goal is to maintain or improve the ISO rating we have now.



## **MEMORANDUM**

Terrell Partain,  
County Administrator  
July 23, 2021

RE: Item 13 B: Discussion on Chapter 46, Land Development Standards and Chapter 50, Mobile Homes and Trailers Ordinances need for updating

Because of the building boom we are experiencing now, there are request coming in for non-typical developments, tiny homes, "Container" homes, etc. that we have no provisions within the Ordinances to cover. This can and will get out of hand very quickly.

These Ordinances have not been updated in years and fall short in being applicable to the changing environment concerning housing and developments.

## Chapter 50 - MANUFACTURED HOMES AND TRAILERS<sup>[1]</sup>

### Footnotes:

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**Cross reference**— Buildings and building regulations, ch. 18; environment, ch. 34; floods, ch. 38; health and sanitation, ch. 42; land development standards, ch. 46; planning, ch. 62; roads and bridges, ch. 66; solid waste, ch. 74; traffic and vehicles, ch. 82.

**State Law reference**— Registration and licensing of dealers, manufacturers and persons transporting mobile homes, O.C.G.A. § 40-2-38; removal of transportable housing from lands subject to writ of possession, O.C.G.A. § 44-7-59; ad valorem taxation of mobile homes, O.C.G.A. § 48-5-440 et seq.; issuance of mobile home location permits; display of decals, O.C.G.A. § 48-5-492; The Uniform Standards Code for Manufactured Homes Act, O.C.G.A. § 8-2-130 et seq.; classification of mobile homes as a separate class of property for ad valorem property tax purposes, Ga. Const. art. VII, § I, ¶ III.

### ARTICLE I. - IN GENERAL

#### Sec. 50-1. - Title.

This article will be known as "The Manufactured/Mobile Home Ordinance of Hart County, Georgia."

(Ord. of 3-12-96)

#### Sec. 50-2. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

*Mobile home* means a residential structure transportable in one or more sections, which is built on a permanent chassis and designed to be used as a permanent dwelling constructed prior to June 15, 1976.

*Manufactured home* means a residential structure transportable in one or more sections, designed and constructed as a permanent residence. Such a dwelling must be constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, which became effective on June 15, 1976, and shall bear the insignia issued by the U.S. Department of Housing and Urban Development (HUD).

(Ord. of 3-12-96)

#### Sec. 50-3. - Requirements.

##### (a) *Permits.*

##### (1) *Transportation permits.*

- a. No mover, hauler, or person shall move a mobile or manufactured home into the county or relocate a mobile or manufactured home existing within the county without first obtaining a transportation permit from the county tax assessor's office. Said transportation permit shall not be issued until a building/location permit has been issued by the county tax assessor and a sanitation permit has been issued by the county health department. Mobile or manufactured homes may be brought into the county and located on a sales lot approved by the state safety fire commissioner for resale without a building or sanitary permit.
- b. Transportation permit fees shall be set by the county board of commissioners.

- c. The transportation permit shall be of a contrasting color of the location permit/decal and shall be affixed to the mobile or manufactured home at all times between entering the county or leaving its original location and being placed in its permitted location.
- d. Failure to obtain and/or display a transportation permit as required by this article shall result in a fine of up to \$1,000.00.

(2) *Other permits.*

- a. In addition to the location permit and decal required by O.C.G.A. § 48-5-492 which may be obtained from the county tax assessor's office, all mobile and manufactured homes intended for residential occupancy in the county must obtain a sanitation permit which may be obtained from the county health department. Sanitation permit fees shall be set by the county board of health.
  - b. Application. Applications for these permits will be approved and granted, disapproved, or conditionally approved within 15 days of the application. The reason(s) for a disapproval will be stated, and any conditions for approval will also be stated.
  - c. It shall be unlawful for any owner or dealer or any other person to deliver any mobile or manufactured home to any site or lot unless all necessary permits have been obtained.
- (b) *Certificate of occupancy.* A certificate of occupancy shall be issued indicating compliance with all applicable installation provisions of this article before any person is authorized to occupy any newly installed mobile or manufactured home overnight. There shall be no fee for occupancy permits. Occupancy permits shall be issued by the county tax assessor's office.
- (c) *Proof of tax payment.* It shall be a condition precedent to issuance of any mobile or manufactured home permit required by this article that the owner submit proof that all state and county taxes accruing and payable with respect to subject mobile or manufactured home have been paid.
- (d) *Utilities.*
- (1) Water to a mobile or manufactured home may be from a public water system or private well.
  - (2) The sewage system for a mobile or manufactured home must be connected to a system approved by the county health department.
  - (3) No public utility may connect or provide permanent service to any newly installed mobile or manufactured home without proof of location and sanitary permits.
  - (4) Power companies are authorized to provide temporary power not to exceed 110 volts for the express purpose of completing necessary construction and installation of a mobile or manufactured home. This provision specifically does not allow permanent power hookup or overnight occupancy of a mobile or manufactured home.
- (e) *Manufacturing standards.*
- (1) Each newly installed mobile or manufactured home in the county shall conform to the minimum construction standards required by HUD in the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401 et seq.
  - (2) It is the intent of this article to prohibit moving mobile or manufactured homes into the county unless they conform to the aforementioned HUD standards. Mobile or manufactured homes existing within the county as of March 12, 1996, which do not conform to the HUD standards may be relocated within the county, however relocation cannot occur subsequent to a change in ownership of the mobile or manufactured home after March 12, 1996.
- (f) *Installation.*
- (1) Each mobile or manufactured home shall be installed so that the finished floor level shall not exceed an average height higher than five feet in elevation from the finished grade.

- (2) Each newly installed mobile or manufactured home shall be installed on and supported by piers prescribed by Chapter 12-3-7, Rules and Regulations for Manufactured Homes, as promulgated and administered by the office of the insurance and fire commissioner for the state or the manufacturer's instructions, whichever is more stringent.
- (3) Tie-downs. Each mobile or manufactured home shall be secured with tie-downs with provisions for distributing the load of these tie-downs and provisions for the attachment of ground anchors so as to resist wind overturning or sliding. Each tie-down shall be designed to resist an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload without failure. Each tie-down shall be securely attached to a ground anchor.
- (4) Skirting. Within 30 days after the certificate of occupancy is issued, the foundation of each mobile or manufactured home shall be enclosed by a curtain wall, manufactured skirting material, masonry construction or other material(s) manufactured for such purpose. All such enclosures shall be permanently installed and shall extend from the lower edge of the exterior walls of the mobile or manufactured home to the ground surface. A minimum of four ventilation openings shall be covered with wire mesh screen or its equivalent.
- (5) Landing/stairs. Each mobile or manufactured home shall be provided with permanent stairs and landings constructed from pressurized treated lumber, masonry or metal sufficient to provide ingress and egress from at least two exterior doors. Stairs and landings shall be constructed in accordance with Section 1112 (Stairway Construction) of the Georgia State Building Code.
- (6) All mobile and manufactured homes and auxiliary structures shall be installed in accordance with Chapter 12-3-7, Rules and Regulations for Manufactured Homes, as promulgated and administered by the office of the insurance and fire commissioner for the state or the manufacturer's instructions, whichever is more stringent.

(Ord. of 3-12-96; Ord. of 4-25-96)

#### Sec. 50-4. - Conflicts.

Whenever any part of this article is in conflict with the provisions of the Hart County Land Use Ordinance adopted March 10, 1992, as now or hereafter amended, then the more restrictive ordinance shall apply and shall prevail.

(Ord. of 3-12-96)

#### Sec. 50-5. - Enforcement.

- (a) The board of commissioners of the county is hereby given the authority to appoint a building inspector to enforce the provisions of this article in addition to all employees and officials of the hart county health department, the public works director, and all deputy sheriffs. In cases where a violation of any provision of this article has been found, the building inspector or public works director shall notify the owner of the property on which such violation is found by certified mail sent to the address of the property owner as it appears in tax information. If the owner of the mobile or manufactured home is different from the property owner, the violation notice shall also be sent by certified mail to the owner of the mobile or manufactured home. In the case a valid mailing address can not be obtained, or if the certified mail is returned, the notice of violation may be hand delivered by the building inspector or the public works director to the person deemed responsible for said violation.
- (b) The notice of violation shall clearly state the nature of the violation, including the specific provision(s) of this article which have not been complied with, and the date upon which said violation(s) are to be remedied. Said date will be determined based on the nature and extent of the violation, but in no case shall exceed 30 days from the date the notice was received. In cases where a violation has occurred and the violator has not remedied the violation within the specified time period, said violator shall be issued a citation requiring appearance before the magistrate court of the county. The procedure for

enforcement of this article shall be provided in O.C.G.A. tit. 15, ch. 10, art. 4, as amended, which is entitled "Violation of Ordinances of Counties and State Authorities." The building inspector, public works director, all employees and officials of the county health department, and all deputy sheriffs are hereby authorized to issue citations for violations of this article.

- (c) Upon conviction, a violation of this article may be punished by a fine not greater than \$1,000.00. Each violation shall constitute a separate offense.

(Ord. of 3-12-96)

Secs. 50-6—50-30. - Reserved.

## ARTICLE II. - MOBILE/MANUFACTURED HOME PARKS

### Sec. 50-31. - 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:

*Manufactured home* means a residential structure transportable in one or more sections, designed and constructed as a permanent residence. Such a dwelling must be constructed in accordance with the federal manufactured home construction and safety standards, which became effective on June 15, 1976, and shall bear the insignia issued by the U.S. Department of Housing and Urban Development (HUD).

*Mobile home* means a residential structure transportable in one or more sections, which is built on a permanent chassis and designed to be used as a permanent dwelling constructed prior to June 15, 1976.

*Mobile/manufactured home park* means premises where two or more mobile and/or manufactured homes are placed for a period of time exceeding 30 days, or where spaces or lots are set aside and offered for rent for use by mobile or manufactured homes; however, the following situations shall not be included in this definition:

- (1) Mobile or manufactured homes sales lots;
- (2) Where two or more mobile or manufactured homes are structurally connected and used as a single dwelling unit by a landowner; or
- (3) Where the occupant of the home is related by blood or marriage to the owner of the land or home and the owner of the home or land upon which the home is situated receives no rent or other income from the occupant of the home.

*Recreational vehicle* means a motor vehicle designed for recreational use and/or temporary residence by an individual or family.

(Ord. of 8-27-1996, § 2)

**Cross reference—**Definitions generally, § 1-2.

### Sec. 50-32. - Requirements.

- (a) *Generally.* All mobile and/or manufactured home parks constructed, altered or extended after the effective date of the ordinance from which this article is derived shall conform to the regulations of this section.
- (b) *Permits.*

- (1) *Park permit.* It shall be unlawful for any person to construct, alter or extend any mobile and/or manufactured home park within the county unless that person or entity holds a valid park permit issued by the county.
- (2) *Location permit.*
  - a. All mobile homes within a park must have location permits and decals as required by O.C.G.A. § 48-5-492 and sanitation permits from the county health department.
  - b. No public utility shall connect service to any mobile home within a park in the county without proof of a location permit and sanitation permit and proof of a county mobile/manufactured home park permit.
- (c) *Site plan approval required.* All mobile/manufactured home park owners must submit a site plan of any proposed mobile and/or manufactured home park to the board of commissioners and county board of health, and such plan must have approval before any permits can be issued. All applications for mobile/manufactured home park permits shall contain the following information:
  - (1) Name and address of the applicant.
  - (2) Interest of the applicant in the development.
  - (3) Location and legal description of the property.
  - (4) Complete engineering plans and specifications of the proposed park showing the following:
    - a. The area and dimensions of the tract of land;
    - b. The number, location and size of all lots;
    - c. The location and width of roadways and walkways;
    - d. The location of service buildings and other proposed structures;
    - e. The location of wells and water lines;
    - f. The location of septic tanks, field lines and sewer lines;
    - g. Specifications of all buildings to be constructed;
    - h. The location and details of all lighting and electrical systems.
- (d) *Fees.* All applications for a mobile and/or manufactured home park construction, alteration or extension shall be accompanied by a deposit fee specified in the schedule of fees and charges.
- (e) *Location and frontage.* A mobile and/or manufactured home park shall be located on property with a minimum frontage of 200 feet on a public street or road.
- (f) *Street requirement.* Interior roads serving the park are required and shall be suitably drained and have a minimum width of 28 feet. If dedicated to the public, the roads shall meet the specifications stated in article V of chapter 46.
- (g) *Lot area and width.* A mobile/manufactured home park shall have a minimum area of five contiguous acres and a maximum of 25 contiguous acres and a width of at least 200 feet. Each lot space within the park shall be the greater of the size required to meet health department standards or 10,000 square feet.
- (h) *Installation and safety standards.*
  - (1) *Floor level.* Each mobile or manufactured home shall be installed so that the finished floor level shall not exceed an average height higher than five feet in elevation from the finished grade.
  - (2) *Piers.* Each newly installed mobile or manufactured home shall be installed on and supported by piers prescribed by chapter 12-3-7, Rules and Regulations for Manufactured Homes, as promulgated and administered by the office of the insurance and fire commissioner for the state or the manufacturer's instructions, whichever is more stringent.

- (3) *Tie-downs.* Each mobile or manufactured home shall be secured with tie-downs with provisions for distributing the load of these tie-downs and provisions for the attachment of ground anchors so as to resist wind overturning or sliding. Each tie-down shall be designed to resist an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload without failure. Each tie-down shall be securely attached to a ground anchor.
- (4) *Skirting.* Within 30 days after the certificate of occupancy is issued, the foundation of each mobile or manufactured home shall be enclosed by a curtain wall, manufactured skirting material, masonry construction or other material manufactured for such purpose. All such enclosures shall be permanently installed and shall extend from the lower edge of the exterior walls of the mobile or manufactured home to the ground surface. A minimum of four ventilation openings shall be covered with wire mesh screen or its equivalent.
- (5) *Landing/stairs.* Each mobile or manufactured home shall be provided with permanent stairs and landings constructed from pressurized treated lumber, masonry or metal sufficient to provide ingress and egress from at least two exterior doors. Stairs and landings shall be constructed in accordance with section 1112, relating to stairway construction, of the state building code.
- (6) *State regulations.* All mobile and manufactured homes and auxiliary structures shall be installed in accordance with chapter 12-3-7, Rules and Regulations for Manufactured Homes, as promulgated and administered by the office of the insurance and fire commissioner for the state or the manufacturer's instructions, whichever is more stringent.
- (i) *Recreational and other community facilities.* For mobile/manufactured home parks having 15 acres or 20 lots, not less than ten percent of the total area shall be devoted to recreation and other community use facilities.
- (j) *Setbacks required.* No mobile/manufactured home or other building or structure shall be located closer than 60 feet to any park outer perimeter property boundary. Each mobile/manufactured home within the park shall be set back from the front lot line and any other structure by at least 25 feet.
- (k) *Use by recreational vehicles limited.* Ten percent of the lot spaces may be allocated for temporary use by recreational vehicles. The length of such use is to be limited to 14 days in any 60-day period by the same vehicle.
- (l) *Service buildings.* Accessory structures for the convenience and well-being of park residents are permitted provided they comply with all applicable county ordinances. Such structures may include but are not limited to park management offices, community laundry facilities, community postal facilities, etc.
- (m) *Listing of mobile/manufactured homes required.* Every person owning or operating a mobile/manufactured home park, and each person engaged in the sale or rental of mobile/manufactured homes or lots upon which to place mobile/manufactured homes, shall furnish to the tax commissioner of the county on January 1 and July 1 of each year a complete list of all mobile/manufactured homes parked, rented or otherwise located upon the property of the person or in a mobile/manufactured home park operated by such person.
- (n) *Register of park residents required.* Park management/operators must maintain at all times an up-to-date register of all park residents. This register must be made available to any authorized person.
- (o) *Park manager.* Mobile home parks with ten or more mobile homes shall have a park manager responsible for maintenance of the park and its mobile homes, including ensuring compliance with the requirements of this article.
- (p) *Vehicle parking.* Two off-street parking spaces shall be provided for each mobile/manufactured home lot.

(Ord. of 8-27-1996, § 3)

Sec. 50-33. - Recreational vehicle parks.

No recreational vehicle parks may be developed or expanded until the site plan has the approval of the county administrator, which approval shall be given, provided the plans as submitted meet the following requirements:

- (1) No such park shall be located except with direct access to a county, state or federal highway and having a minimum of 300 feet of frontage to permit adequate design of entrances and exits. No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.
- (2) The minimum area for such park shall be ten acres, and the maximum density of such park shall be seven units per gross acre.
- (3) Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse conditions, no portion subject to unpredictable and/or sudden flooding, subsidence, erosion shall be used for any purpose which would expose persons or property to hazards.
- (4) Spaces in such parks may be used by travel trailers, equivalent facilities constructed in or on automotive vehicles, tents, or other short-term housing or shelter arrangements or devices.
- (5) Management headquarters, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as an accessory use provided:
  - a. Such establishments and the parking areas primarily related to their operations shall not occupy more than ten percent of the area of the park.
  - b. Such establishments shall be restricted in their use to occupants of the park and shall present no visible evidence of their commercial character that would attract customers other than occupants of the park.
- (6) No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any public street or state highway.
- (7) The regulations governing such parks or travel trailer parks, prescribed by the county health department, as well as state and federal regulations, shall be complied with.

(Ord. of 8-27-1996, § 4)

#### Sec. 50-34. - Conflicts.

Whenever any part of this article is in conflict with the provisions of chapter 46, and the planned mobile home park is designed for the sale of individual lots rather than rental, the provisions of chapter 46 shall apply and shall prevail.

(Ord. of 8-27-1996, § 5)

#### Sec. 50-35. - Enforcement.

- (a) The board of commissioners is given the authority to appoint a building inspector to enforce the provisions of this article in addition to all employees and officials of the county health department, the public works director, the county planning director and all deputy sheriffs. In cases where a violation of any provision of this article has been found, the building inspector or public works director shall notify the owner of the property on which such violation is found by certified mail sent to the address of the property owner as it appears in tax information. If the owner of the mobile or manufactured home is different from the property owner, the violation notice shall also be sent by certified mail to the owner of the mobile or manufactured home. In the case a valid mailing address can not be obtained, or if the

certified mail is returned, the notice of violation may be hand delivered by the building inspector or the public works director to the person deemed responsible for the violation.

- (b) The notice of violation shall clearly state the nature of the violation, including the specific provisions of this article that have not been complied with, and the date upon which the violations are to be remedied. This date will be determined based on the nature and extent of the violation, but in no case shall it exceed 30 days from the date the notice was received. In cases where a violation has occurred and the violator has not remedied the violation within the specified time period, the violator shall be issued a citation requiring appearance before the magistrate court of the county. The procedure for enforcement of this article shall be as provided in O.C.G.A. §§ 15-10-60—15-10-66. The building inspector, public works director, all employees and officials of the health department, and all deputy sheriffs are authorized to issue citations for violations of this article.
- (c) Upon conviction, a violation of this chapter may be punished as provided in section 1-13.

(Ord. of 8-27-1996, § 6; Res. of 8-25-1998)

Secs. 50-36—50-65. - Reserved.

### ARTICLE III. - LOCATION AND SANITATION PERMITS

Sec. 50-66. - Requirements.

- (a) *Permits.*
  - (1) In addition to the location permit and decal required by O.C.G.A. § 48-5-492, which is available at the county tax commissioner's office, all mobile and manufactured homes intended for residential occupancy in the county must obtain a sanitation permit from the health department.
  - (2) Any mobile or manufactured home park within the county (as defined in the rules of the department of human resources public health) must obtain a sanitation permit from the county health department.
- (b) *Utilities.* No public utility shall connect service at any mobile home site within the county without proof of a county mobile home location permit and sanitation permit.

(Ord. of 9-1-1992, § 1)

Sec. 50-67. - Enforcement.

- (a) Any person violating any provision of this article shall be tried before the magistrate court of the county. The procedure for enforcement of this article shall be as provided in O.C.G.A. §§ 15-10-60—15-10-66. All employees and officials of the county health department, the county planning director and all deputy sheriffs are authorized to issue citations for violations of this article.
- (b) Upon conviction, a violation of this article may be punished as provided in section 1-13.

(Ord. of 9-1-1992, § 2; Res. of 8-25-1998)

## Chapter 46 - LAND DEVELOPMENT STANDARDS<sup>(1)</sup>

### Footnotes:

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**Cross reference**— Buildings and building regulations, ch. 18; environment, ch. 34; floods, ch. 38; manufactured homes and trailers, ch. 50; planning, ch. 62; roads and bridges, ch. 66; signs, ch. 70.

**State Law reference**— Georgia Land Sales Act, O.C.G.A. § 44-3-1 et seq.; local restrictions on condominiums, O.C.G.A. § 44-3-114; Georgia Condominium Act, O.C.G.A. § 44-3-70 et seq.

### ARTICLE I. - IN GENERAL

#### Sec. 46-1. - Citation.

This chapter shall be known and may be cited as the Land Development Standards of Hart County, Georgia. The land development standards may be referred to in this chapter as the subdivision regulations.

(Ord. of 3-10-1992, art. I, § 1.01)

#### Sec. 46-2. - Purpose and intent.

This chapter is enacted for the following purposes:

- (1) To encourage economically sound and stable land development;
- (2) To assure the provision of required streets, utilities, and other facilities and services to land development;
- (3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments;
- (4) To assure the provision of needed public open spaces and building sites in land developments through the dedication or reservation of land for recreational, educational and other public purposes; and
- (5) To assure equitable handling of all development of land by providing uniform procedures and standards for observation and enforcement of standards both by the developer and local public bodies.

(Ord. of 3-10-1992, art. I, § 1.02)

#### Sec. 46-3. - Highest standard to apply.

Whenever the provisions of this chapter and those of some other section of this Code or statute apply to the same subject matter, that ordinance, section of this Code or statute requiring the highest or most strict standard shall govern.

(Ord. of 3-10-1992, art. I, § 1.03)

#### Sec. 46-4. - 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. Terms not

defined in this section shall have their customary dictionary definitions where not inconsistent with the context.

*Administrative officer* means the representative appointed by the board of commissioners being assigned the responsibility for administering this chapter. The office of the administrative officer shall act as staff to the board and shall be given full responsibility for receiving applications, fees and filings from developers and citizens and shall report to the board the status of various proposals.

*Board* means the Hart County Georgia Board of Commissioners.

*Flag lot* means a lot which is connected by a private drive to a public, county, or private road, typically situated behind another lot that abuts the same public, county, or private road.

*Lot* means a portion or parcel of land separated from other portions of parcels by description as on a subdivision plat or record survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of this chapter, the term does not include any portion of a dedicated right-of-way, or land subdivided to achieve a boundary and adjustment with adjoining property.

*Municipal water system* means a system for the provision to the public of piped water for human consumption. Such a system is owned and operated by a municipal or county government.

*Non-public water system* means a system for the provision to the public of piped water for human consumption. Such a system serves at least one individual but less individuals than the requirements of a public water system.

*Plat* means a drawing(s) prepared by a professional registered engineer describing the subdivision of land per this chapter. The plat may consist of multiple sheets and may contain multiple plans depending on the requirements of this chapter.

*Plan* means a drawing prepared by a registered professional engineer that describes some aspect of the subdivision required by this chapter. An example would be a soil erosion and sedimentation control plan that would describe the methods and procedures to control soil erosion and sedimentation during the construction or development phase.

*Public water system* means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

*Street* means a way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley, public easement or other way. The term does not include a private easement used as an access to land not accessible by other means and which serves no more than two separate lots or dwellings. For the purpose of this chapter, streets are divided into the following categories:

- (1) *Rural principal and minor arterial*, which are streets designated as such on the major thoroughfare plan of the county.
- (2) *Rural major and minor collector*, which are those streets serving travel of intracounty linking and rural arterial system.
- (3) *Rural local routes*, which are those streets used primarily for access to the abutting properties and serving minor travel demands.
- (4) *Alley*, which is a minor way used for service access to the back or side of properties otherwise abutting on a street.
- (5) *Cul-de-sac*, which is a residential street with only one outlet and a turnaround at or near the closed end, sometimes called a dead-end street.
- (6) *Marginal-access street*, which is a residential street parallel and adjacent to major thoroughfares and which provides access to abutting properties with protection from through traffic.
- (7) *Easement*, which is a private right of access to no more than two separate lots or dwellings.

- (8) *Public street/road*, which is a street with a 60' right-of-way used by the public but it is not part of the county road system.
- (9) *Private street/road*, which is a street with 60' right-of-way dedicated to a property owner(s) association, of the subdivision involved, or reserved in the name of the developer and not accepted or maintained by the county. A statement that such roads have specifically not been accepted by the county and are to be privately maintained shall be placed on the plat and instrument of transfer, deed, or sales contract. Private streets must meet the road construction requirements of this chapter.
- (10) *County road/street*, which is a road/street having a minimum 60' right-of-way feet and is dedicated to the county.

*Subdivider* means the person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this chapter, or the authorized agent of such person, firm or corporation for the purpose of proceeding under this chapter.

*Subdivision* means all division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter.
- (2) The division of land where no new street or change in an existing street is involved and no utility improvements are required, and no new sanitary sewer or septic system approval is required, and all the forgoing facts are certified by a licensed surveyor or registered professional engineer on the face of the plat.
- (3) The division of land into parcels of ten acres or more where no new street or change in an existing street is involved.
- (4) A parcel of land that is divided into five or fewer parcels, each parcel being of sufficient size to meet the requirements of the health department, and each parcel is deeded to a member of the owners' immediate family. For the purposes of this paragraph, immediate family is defined as the owners' spouse, mother, father, brother, sister, children, grandchildren.

Although such subdividing of land as described in (1), (2), (3) and (4) above are not included in the subdivision definition, their plat shall contain the following Note in a prominent fashion, "roads, streets, and easements shown on this plat that are not already county roads as of the plat date, will not be maintained by the county and will not be accepted in the future as county roads unless they are in compliance with county standards".

(Ord. of 3-10-1992, art. II, § 2.01; Res. No. 2000-001, 3-14-00; Amend. of 7-10-2007)

**Cross reference**— Definitions generally, § 1-2.

Sec. 46-5. - Amendments.

This chapter may be amended. Before enacting an amendment to this chapter, the board shall hold a public hearing on the amendment, notice of which shall be published at least 15 days prior to such hearing in a newspaper of general circulation in the county.

(Ord. of 3-10-1992, art. X, § 10.01)

Sec. 46-6. - Remedies; injunctive relief.

If any land is used in violation of this chapter, the administrative officer, the county attorney, the board, or any adjacent property owners who would be damaged by such violation, in addition to other remedies, may institute injunction or other appropriate action or proceeding to stop the violation.

(Ord. of 3-10-1992, art. XII, § 12.01)

Sec. 46-7. - Penalties for violation.

The procedure for enforcement of this chapter shall be as provided in O.C.G.A. §§ 15-10-60—15-10-66. Any person convicted of a violation of any provision of this chapter shall be punished by a fine not exceeding \$1,000.00 or 60 days imprisonment, or both, except as otherwise provided by general law. Each day any violation continues shall be a separate offense.

(Ord. of 3-10-1992, art. XIII, § 13.01; Res. No. 2000-001, 3-14-00)

Sec. 46-8. - Enforcement and administration.

The county public works director or his designee shall have enforcement and administrative responsibilities, in addition to those officers previously granted enforcement and administrative responsibilities, with respect to this chapter.

(Res. of 8-25-1998; Res. No. 2000-001, 3-14-00)

Secs. 46-9—46-40. - Reserved.

ARTICLE II. - PLATTING JURISDICTION AND ENFORCEMENT<sup>[2]</sup>

Footnotes:

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**State Law reference**— Approval by planning commission or governing authority on plat of subdivision required for filing or recording in superior court clerk's office, O.C.G.A. § 15-6-67(d).

Sec. 46-41. - Platting authority.

The board shall be the official platting authority, and no plat of land subdivision shall be entitled to be recorded in the office of the clerk of the superior court of the county nor shall a certificate of approval be granted in accordance with the Georgia Land Sales Act of 1972 O.C.G.A. § 44-3-1 et seq. unless it shall have the approval of the board inscribed on the certificate. The filing or recording of a plat of a subdivision without the approval of the board as required by this chapter is declared to be a violation of this chapter.

(Ord. of 3-10-1992, art. III, § 3.01; Res. No. 2000-001, 3-14-00)

Sec. 46-42. - Use of plat.

The transfer of, sale, agreement to sell, or negotiation to sell land by reference to or exhibition of a plat of a subdivision that has not been given final approval by the board and recorded in the office of the clerk of superior court of the county, or the secretary of state under the Georgia Land Sales Act O.C.G.A.

§ 44-3-1 et seq. if required, is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

(Ord. of 3-10-1992, art. III, § 3.02)

Sec. 46-43. - Opening and improving public streets.

The board shall not accept, lay out, open, improve, grade, pave, or light any street or lay any utility lines in any street that has not attained the status of a public street prior to the effective date of the ordinance from which this chapter is derived unless such street corresponds to the street location shown on an approved subdivision plat or on an official street map adopted by the board.

(Ord. of 3-10-1992, art. III, § 3.03)

Sec. 46-44. - Erection of buildings.

No building permit shall be issued and no building shall be erected on any subdivision lot in the county unless the lot abuts a public street, county road, or private road.

(Ord. of 3-10-1992, art. III, § 3.04; Res. No. 2000-001, 3-14-00)

Sec. 46-45. - Privately maintained streets or roads.

The following statement shall be placed on all plats identifying privately maintained roads in the following words:

"The roads or streets identified as "privately maintained" are private ways and are not and will not be maintained by the county unless accepted into the county road system as a county road".

(Res. No. 2000-001, 3-14-00)

Secs. 46-46—46-75. - Reserved.

#### ARTICLE III. - PROCEDURE FOR APPROVAL OF PLAT

Sec. 46-76. - Preapplication review.

Whenever the subdivision of a tract of land within the county is proposed, the subdivider is urged to consult early and informally with the county administrator and the public works director. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the preapplication review, and no formal application shall be required.

(Ord. of 3-10-1992, art. IV, § 4.01; Res. No. 2000-001, 3-14-00)

Sec. 46-77. - Application for plat approval.

The subdivider shall submit to the board at least 15 days prior to the next regular meeting of the board the following:

- (1) A letter requesting review and approval of a plat and giving the name and address of a person to whom the notice of the hearing by the board on the plat shall be sent.

- (2) Two copies of the plat and other documents, as may be specified.
- (3) A plat application fee specified in the schedule of fees and charges.

(Ord. of 3-10-1992, art. IV, § 4.02)

Sec. 46-78. - Review of plat.

- (a) The administrative officer shall check the plat for conformance to the rules and regulations of this chapter and report his findings and recommendations to the board, which shall approve or disapprove the plat at a scheduled board meeting. A notation of the action shall be made in the minutes of the board, including a statement of the reasons for disapproval if the plat is disapproved. One copy of the plat shall be returned to the subdivider or his agent, and one copy added to the records of the board.
- (b) If action on a plat is not taken by the board within 60 days of the date of submittal, the plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

(Ord. of 3-10-1992, art. IV, § 4.03; Res. No. 2000-001, 3-14-00)

Sec. 46-79. - Plat specifications.

- (a) *Generally.* The plat shall conform to the specifications of this section and contain the required information.
- (b) *Specific specifications.*
  - (1) *Scale.* The preliminary plat shall be clearly and legibly drawn at a scale not smaller than 200 feet to one inch.
  - (2) *Sheet size.* Sheet size shall be no larger than 17 inches in width and 22 inches in length. If the complete plat cannot be shown on one sheet, it may be shown on more than one sheet with an index map on a separate sheet.
  - (3) *Ground elevations.* A contour map of the proposed subdivision will be required if the topography of the land is such that there will be a drainage problem in the subdivision that would require a contour map to develop a proper drainage system. If a contour map is required it shall be based on the following criteria:
    - a. For land that slopes less than approximately two percent, elevations shall be shown at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions.
    - b. For land that slopes more than approximately two percent, contours shall be shown with an interval of not more than 20 feet.
- (c) *Information to be provided on plat.* The plat shall contain the following information and may consist of several plans (sheets):
  - (1) Name and address of owner of record and of subdivider.
  - (2) Proposed name of subdivision.
  - (3) North point, graphic scale and date.
  - (4) Acreage of the subdivision and vicinity map, showing location.
  - (5) Exact boundary lines of the tract by bearing and distances.
  - (6) Names of owners of record of adjoining land.
  - (7) Existing streets, utilities, and all easements on and adjacent to the tract.

- (8) Proposed layout, including streets and alleys with proposed street names, lot lines and approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than single-family dwellings.
- (9) Block numbers and lot numbers.
- (10) Provisions for water supply, sewage, and, drainage, and soil sedimentation and erosion control (E&S). These items shall be set forth on a plan(s) properly prepared by a registered surveyor, or registered professional engineer for E&S plans and by a registered professional engineer for water supply and sewage plans and must include a certificate evidencing review and approval by the county health department and the National Resources Conservation Service where applicable.
- (11) Such street cross sections and centerline profiles as may be required by the board.
- (12) Provisions for open space requirements as required by state statute.
- (13) The following certifications, affixed before recording:
  - a. *Certificate of dedication.* A certificate of dedication by the owner submitted with the plat and in such form as approved by the county attorney, which sets forth the description of the areas and improvements dedicated by the owner to the public and the extent of title which is being dedicated.
  - b. *Copy of official action of board.* The resolution adopted by the board accepting the street rights-of-way, improvements, easements and any other property dedicated by the owner for public use as indicated on the plat shall be recorded in the minutes of the board. This acceptance does not relieve the developer of the obligation to guarantee against faulty materials as specified in section 46-157.
  - c. *Certificate of approval.* A certificate of approval of the final plat by the board, directly on the plat, as follows:  

"Pursuant to the Land Development Standards of Hart County, Georgia, all requirements of approval having been fulfilled, this Plat was given Approval by the Hart County Board of Commissioners on (insert date of approval)"

_____ Date	_____ Chairman, Hart County Board of Commissioners
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(Ord. of 3-10-1992, art. IV, § 4.04; Res. No. 2000-001, 3-14-00)

Secs. 46-80—46-110. - Reserved.

#### ARTICLE IV. - GENERAL DESIGN AND OTHER REQUIREMENTS

Sec. 46-111. - Name of subdivision.

The name of the subdivision must have approval of the board. The name shall not duplicate or closely approximate the name of an existing subdivision.

(Ord. of 3-10-1992, art. V, § 5.01)

Sec. 46-112. - Access.

Access to every subdivision shall be provided over a public street or county road. Private streets in a platted subdivision shall meet the road standards of this chapter. There shall be no private easements or driveways from interior lots providing access to a public street or county road in an attempt to circumvent this section.

(Ord. of 3-10-1992, art. V, § 5.02; Res. No. 2000-001, 3-14-00)

Sec. 46-113. - Large-scale developments.

A comprehensive group development, including large-scale construction of housing units together with necessary drives and ways of access, may be approved by the board although the design of the project does not include standard streets, lot and subdivision arrangements, if departure from this chapter can be made without destroying its intent, and if substantial evidence can be provided demonstrating the acceptable performance of the nonconformance.

(Ord. of 3-10-1992, art. V, § 5.03)

Sec. 46-114. - Utility easements.

- (a) Utility easements shall be provided as required by utility companies for utility lines, underground mains and cables and shall be recorded on the final plat.
- (b) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater or drainage right-of-way of adequate width to be reserved as open space. Parallel streets may be required by the board.

(Ord. of 3-10-1992, art. V, § 5.04)

Sec. 46-115. - Reservation of public sites and open spaces.

- (a) Where features of any comprehensive plan, such as school sites, parks, playgrounds and other public spaces are located in whole or in part in a proposed subdivision, such features shall be reserved by the subdivider; however, no more than 25 percent of the total area of the subdivision shall be required for reservation to fulfill the requirements of this section. Whenever the land required for such comprehensive plan features is not dedicated to and accepted, purchased, acquired, optioned or condemned by the appropriate public agency within a four-year period from the date of recording the subdivision or by the time that at least 75 percent of the lots are built on and occupied, whichever is sooner, the subdivider may claim the original reservation and cause it to be subdivided in a manner suitable to the subdivider, subject to the provisions of this chapter. Whenever the board executes a written release, stating that the reserved land is not to be acquired, the board shall waive the reservations requirements.
- (b) Whenever the board finds that proposed reservation of land or dedication of land for public use is not required or is unsuitable for the public use proposed, it may require the rearrangement of lots to include such land in the subdivision.

(Ord. of 3-10-1992, art. V, § 5.05)

Sec. 46-116. - Community assets.

In all subdivisions, due regard shall be shown for all natural features such as watercourses and for historical spots, cemeteries, and similar community assets which, if preserved, will add attractiveness and value to the property or community.

(Ord. of 3-10-1992, art. V, § 5.06; Res. No. 2000-001, 3-14-00)

Sec. 46-117. - Water system design.

- (a) The following paragraphs of this section are not applicable to an individual lot served by a well located on the lot.
- (b) A public water system must be permitted and approved by the Environmental Protection Division of the Department of Natural Resources (EPD). It will be the responsibility of the developer to make all applications.
- (c) If the subdivision is to be served by a water system, the piping size and location are to be shown, as well as other features of the water system, on a water system plan. Further, the location of the well(s) and water storage facility(s) shall be identified and located on the plan. Each water connection shall be equipped with a backflow preventer valve. The water system plan shall be designed by a registered professional engineer and shall be capable of being served in the future by a municipal water system.
- (d) A completed EPD form, "Intent to Drill", shall be approved by the county health department for non-public water systems and shall accompany the water system plan when the plat is submitted for approval. For a public water system, an approval letter from the state EPD shall accompany the water system plan when the plat is submitted for approval.
- (e) Required well flow rate (gallons/minute) shall be determined by a registered professional engineer for the entire subdivision and shown on the water system plan.
- (f) A certification form from the certified well installer showing the actual well(s) capacity (flow rate in gal./minute) of the public or non-public water system shall accompany the subdivision plat when submitted for approval. The county reserves the right to have the flow rate determined by its engineer. If this flow rate is less than that certified by the well driller, a third determination will be made by the county at the developer's expense. The average of the three flow rates shall be the well(s) flow rate to be compared with the required design flow rate.
- (g) Provision for water hydrants shall be made if the distance between an existing county road to the furthest lot is greater than 750 feet as measured along the centerline of the road leading to the lot. Hydrants are to be spaced no more than 1,000 feet apart within the subdivision and shall be supplied with a minimum 6-inch water line. The hydrant supply line may be separate from the water line supplying water to each lot. In either case, the line shall extend to the row of the existing county road.

(Res. No. 2000-001, 3-14-00)

Sec. 46-118. - Gated communities.

- (a) A gated community is a community which has a lockable security gate(s) at its entrance and/or manned by a security agency whose purpose is to limit access by the general public. All streets/roads in a gated community are private streets/roads and are not maintained by the county.
- (b) Gated community developments shall meet all requirements of this chapter including road construction.
- (c) A written agreement, approved by the board, and recorded with the plat shall detail how county provided emergency services shall have access to the community residents and their property 24 hours a day.

(Res. No. 2000-001, 3-14-00)

Secs. 46-119—46-150. - Reserved.

#### ARTICLE V. - REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY

##### Sec. 46-151. - Continuation of existing streets.

Existing streets shall be continued at the same or greater width, but in no case less than the width required in this article.

(Ord. of 3-10-1992, art. VI, § 6.01)

##### Sec. 46-152. - Street names.

Proposed streets that are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix, "street," "avenue," "boulevard," "drive," "place," "way" or "court." Where available, through its index list of street names on file, the board can assist the subdivider in avoiding duplication.

(Ord. of 3-10-1992, art. VI, § 6.02)

##### Sec. 46-153. - Culs-de-sac or dead-end streets.

- (a) Minor streets or courts designed to have one end permanently closed shall be provided with a turnaround with a minimum radius of 50 feet at or within 200 feet of the closed end.
- (b) Where in the opinion of the board it is desirable to provide street access to adjoining property, streets shall be extended to the boundary of such property and provided with a temporary turnaround.

(Ord. of 3-10-1992, art. VI, § 6.03)

##### Sec. 46-154. - Development along major thoroughfares, limited-access highway or railroad right-of-way.

Where a subdivision abuts or contains a major thoroughfare, a limited-access highway, or a railroad right-of-way, the board may require a street approximately parallel to and on each side of such right-of-way either as a marginal-access street or at a distance suitable for an appropriate use of the intervening land, with a nonaccess reservation suitably platted. Due regard should be given requirements for approach grades and future grade separations in determining distances. Lots shall have no access to a major thoroughfare (or limited-access highway) but only to access streets.

(Ord. of 3-10-1992, art. VI, § 6.04)

##### Sec. 46-155. - Alleys and easements.

Alleys may be required at the rear of all lots used for multifamily, commercial or industrial developments but shall not be provided in one- or two-family residential developments unless the subdivider provides evidence satisfactory to the board of the need for alleys. Easements shall not be permitted to serve more than two separate dwellings or lots.

(Ord. of 3-10-1992, art. VI, § 6.05)

##### Sec. 46-156. - Street right-of-way widths and construction requirements.

- (a) *Width.* The right-of-way width shall be the distance across a road or street from property line to property line. The minimum right-of-way width shall be 60 feet.
- (b) *Grade.* A minimum of roadway to be graded shall be 30 feet for 20 feet of pavement. All stumps, rock and other obstructions shall be removed to at least two feet below subgrade. The maximum grade shall not exceed ten percent. Roads to be paved following grading shall be paved with a minimum of two inches of "B" mix. After development activity is complete, or 12 months have elapsed, a minimum of 1½ inches of "E" mix shall be laid. Roads to be paved after development is complete, or twelve months have elapsed, shall be paved with 1½ inches of "E" mix. New subdivision roads leading from existing public or county dirt roads shall meet all standards. All paving shall be in accordance with state department of transportation standards.
- (c) *Fill.* All suitable material from roadway cuts may be used in the construction of fills, approaches or any other places as needed. The fills shall be spread in layers not to exceed six inches loose and compacted with a sheeps foot roller to a density at least 95 percent of standard proctor density. Fill slopes shall not exceed a two to one slope.
- (d) *Subgrade.* The subgrade shall be properly shaped, ditch lines sloped and compacted to conform with grade lines and cross sections and shall have a crown of ½ inch per foot. All unsuitable materials shall be excavated and replaced with suitable material compacted to a density at least 95 percent of standard proctor density. Standard proctor density is determined by a laboratory test where a sample of soil is taken from a given site to test for compaction by measuring the dry unit density versus moisture content.
- (e) *Base.* The base shall be a graded aggregate base course or other approved material. The minimum thickness shall be six inches after being compacted to a density at least 98 percent of standard proctor density.
- (f) *Storm drainage.* The street and roadway must have adequate drainage, including necessary open ditches, pipe and culverts; drainage structures shall be provided to accommodate all natural water flow and to be of sufficient length to permit full roadway width and slopes. The diameter of pipe shall be based on water flow, and shall be determined by consultation with a registered professional engineer and approved by the public works director.
- (g) *Erosion control.* All banks, shoulders, ditch slopes and other disturbed areas shall be grassed with an approved vegetative cover to prevent washing. Silt fences, hay bales, mulch and/or other erosion control devices that may be necessary shall be used during construction at all places that pose an erosion problem. All applicable provisions of soil erosion and sedimentation control as referenced in chapter 34 shall be complied with.
- (h) *Underground utilities.* All underground utilities shall be installed after the grading has been completed but before the base is installed. Location of all utilities shall be shown on subdivision drawings.
- (i) *Intersections with state highways.* Intersections with state highways must meet all regulations and standards promulgated by the state department of transportation for such intersections.
- (j) *Inspection.* Roadways are to be inspected during and after construction by the public works director. Test reports of compaction results are to be furnished to the inspector; however, he may require additional testing in areas he may deem unsatisfactory. The board will not accept a street without approval of the inspector.

(Ord. of 3-10-1992, art. VI, § 6.06; Res. No. 2000-001, 3-14-00)

Sec. 46-157. - Guarantee against faulty materials.

Final approval of street improvements shall be granted and streets accepted for maintenance by the county only in accordance with one of the following provisions:

- (1) The street improvements shall have been completed and in place for a period of one year and shall, upon inspection, following such period of time, be found to be free from defective

workmanship or material, free from sinkholes or other settling, and have a satisfactory vegetative cover.

- (2) Following otherwise satisfactory completion of such work, the subdivider shall post with the county a guaranty bond in an amount equal to 25 percent of the street and utility improvement cost for the street for which acceptance is sought. The bond will guarantee the county that the street has been installed in a workmanlike manner, that it is free from defects caused by faulty material or workmanship, and that the street will remain in acceptable condition for a period of at least one year. The board may also authorize cash bonds of 25 percent of the street and utility cost in lieu of guaranty bonds. If at the end of the one-year period the street is found to have settled or be otherwise unacceptable because of faulty workmanship or materials, any defects shall be repaired at the cost of the subdivider; and upon his failure or refusal to do so within 90 days after demand is made upon him by the board, the county shall make such repairs as are reasonably necessary and recover the cost from the subdivider.

(Ord. of 3-10-1992, art. VI, § 6.07; Res. No. 2000-001, 3-14-00)

Sec. 46-158. - Signage.

No signage or other subdivision identification shall be constructed or placed in the county right-of-way or right-of-way to be dedicated to the county.

(Res. No. 2000-001, 3-14-00)

Secs. 46-159—46-190. - Reserved.

#### ARTICLE VI. - DESIGN STANDARDS FOR BLOCKS AND LOTS

Sec. 46-191. - Lot sizes and proportions.

- (a) Residential lots shall have a depth of not less than 120 feet and a width of not less than 100 feet and shall have a size deemed adequate by the health department, with due consideration given for the type of water supply and sewage disposal system.
- (b) Residential lots shall have a depth of not less than 120 feet and width of not less than 100 feet.
- (c) Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to use intended.
- (d) The principal building on any lot shall meet the following setback requirements:
  - Front: 40 feet
  - Rear: ten feet (if the lot abuts private property)
  - Side: ten feet

(Ord. of 3-10-1992, art. VII, § 7.01; Res. No. 2000-00, 3-14-2000; Ord. of 7-17-2018(1); Ord. of 7-17-2018(3))

Sec. 46-192. - Adequate building sites.

Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the subdivider or any applicable zoning ordinance.

(Ord. of 3-10-1992, art. VII, § 7.02)

Sec. 46-193. - Lot line arrangements.

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for at least 60 feet upon a dedicated public street, private street or county road and at least 30 feet when the lot abuts a cul-de-sac.

(Ord. of 3-10-1992, art. VII, § 7.03; Res. No. 2000-001, 3-14-00)

Sec. 46-194. - Sidewalks, curbs and gutters.

- (a) *Sidewalks.* Sidewalk specifications do not apply to second home-type developments with seasonal use or to developments that do not have locally centralized public facilities such as schools, churches, etc. The board shall have final authority in determining the need for sidewalks.
- (b) *Concrete curb and gutter.* Curb and gutter may not be required on all developments provided the developer furnishes proof satisfactory to the board that all grades on his roads and road ditches will be stabilized without the use of curb and guttering. In lieu of curb and guttering, the developer may stabilize road ditches by paving or by road check dams or by methods approved by the board or its designee.

(Ord. of 3-10-1992, art. VII, § 7.04)

Sec. 46-195. - Flag lots.

A subdivision shall not contain flag lots.

(Res. No. 2000-001, 3-14-00)

Secs. 46-196—46-225. - Reserved.

#### ARTICLE VII. - REQUIRED IMPROVEMENTS

Sec. 46-226. - Performance and specifications.

Every subdivider shall be required to make the improvements outlined in this article in accordance with the specifications in this article or otherwise adopted by the board. The improvements can be made by the county at the expense of the subdivider, or the subdivider can make the improvements with the approval of the board.

(Ord. of 3-10-1992, art. VIII, § 8.01)

Sec. 46-227. - Monuments.

Lot and block corners shall be marked with solid steel rods not less than five-eighths-inch in diameter and 24 inches in length.

(Ord. of 3-10-1992, art. VIII, § 8.02)

Sec. 46-228. - Water supply system.

- (a) Water mains within the subdivision must be provided with tap connections to each lot. An exception is if the subdivision will be served by a municipal water system and the municipal water system agrees in writing that it will bore under the pavement to make any future connections. When water service is provided by the City of Hartwell, the minimum diameter of water pipes shall meet its standards. If a municipal water supply, either from a municipality or the county, is not available to the subdivision at the time of development of the subdivision, the developer should provide an adequate water source and an adequate water storage facility. This shall be accomplished by the use of individual wells for each housing unit or by an EPD approved public water system, or by a non-public water system, all meeting requirements of section 46-117.
- (b) Individual wells' adequacy of water flow and water quality are the responsibility of the lot purchaser; however, a public water system shall be permitted and approved by the Environmental Protection Division of the Department of Natural Resources (EPD). Prior to final approval of the plat the developer must submit a letter from EPD approving plans to construct a public water system and the source of the water supply.
- (c) In the absence of a municipal water supply, public or non-public water system, all lots within the subdivision shall be of sufficient size (taking into account slope and other relevant factors) to accommodate both an individual well and an approved septic system per Department of Human Resources Public Health chapter 290-5-26.
- (d) A subdivision, whose entrance is within 1000 feet of a municipal water system, or where it is feasible to access a municipal water system via easement, etc and the distance to the municipal water system is within 1,000 feet, the developer shall connect the subdivision water system, at his expense, to the municipal water system with appropriate size water mains and dedicate the subdivision water system infrastructure to the municipality.

(Ord. of 3-10-1992, art. VIII, § 8.03; Res. No. 2000-001, 3-14-00)

Sec. 46-229. - Sanitary sewers.

- (a) If the sewage disposal facilities cannot be connected to a trunkline sewer at the time of the development of the subdivision, septic tanks or another approved method of treatment of sanitary sewage shall be installed by and at the expense of the subdivider or lot purchaser for use, in conformity with the requirements of the county health department. No private community systems shall be permitted.
- (b) A subdivision, whose entrance is within 500 feet of a municipal sewage system, or where it is feasible to access a municipal sewer system via easement, etc and the distance to the municipal sewer system is within 500 feet, the developer shall build a subdivision sewer system and connect to the municipal sewer system, at his expense, with appropriate size sewer mains and dedicate the subdivision sewer system infrastructure to the municipality. The sewer system shall be designed by a registered professional engineer and meet the municipality's specifications.

(Ord. of 3-10-1992, art. VIII, § 8.04; Res. No. 2000-001, 3-14-00)

Sec. 46-230. - Acceleration/deceleration lanes.

Entrances to subdivisions from county or public roads may require, at the discretion of the board, the construction of acceleration and/or deceleration road lanes. These expenses will be the responsibility of the developer or subdivider.

(Res. No. 2000-001, 3-14-00)

Sec. 46-231. - Other utility considerations.

All underground utilities (gas, CATV, telephone, water, sewer, etc) shall be constructed prior to street paving or they shall be bored under the streets following street paving.

(Res. No. 2000-001, 3-14-00)

Sec. 46-232. - Extraterritorial water and sewer services.

- (a) Prior to initiating the development of water and sewer services in extraterritorial boundaries, the local government proposing the new service will notify the adjacent government of the proposed new service by providing information on location of property, size of area, and existing proposed land use associated with the property.
- (b) Within 15 working days following receipt of the above information, the local government receiving the notice of water/sewer extension will forward to the local government proposing the extension a statement either: (a) indicating that the proposal is compatible with that community's land use plan and all applicable ordinances; or (b) describing its bona fide objectives as why the proposal is inconsistent with the land use plan or ordinances providing supporting evidence and listing any possible stipulations or condition that alleviate the objection.
- (c) If the community proposing the service extension does not receive a response in writing within the deadline, the proposal shall be determined to be consistent with the community's land use plan or land use ordinances and the sending local government is free to proceed and the receiving government loses its right to invoke the dispute resolution process, stop the extension or object to land use changes after the provision of service.
- (d) If the receiving government notifies the sending government that it has a bona fide land use classification objection(s), the sending government will respond to the receiving government in writing within 15 working days of receiving the objection(s) by either: (a) agreeing to implement the receiving government stipulations and conditions and thereby resolving the extension objection(s); (b) agreeing with the receiving government and stopping action on the proposed extension; (c) disagreeing that the receiving government objection(s) are bona fide and notifying the receiving government that they will seek a declaratory judgment in court; or (d) initiating a 30-day (maximum) mediation process to discuss possible compromises.
- (e) If either party initiates mediation, they will each appoint two members to a mediation panel. These four individuals will then select a fifth panel member who is familiar or experienced in land use issues. The Georgia Mountains RDC will provide a list of mediators to the city and county for their selection of a mediator to assist in the process. Any costs associated with the mediation will be shared on a 50/50 basis between the city and the county.
- (f) If no resolution of the receiving government's bona fide land use classification objection(s) results from the mediation, the sending government will not proceed with the proposed extension of services.
- (g) If the parties reach agreement as described in step (d) or as a result of the mediation, they will draft an agreement for execution by the governments within 15 working days from the date of the agreement.

Regardless of future changes in land use or zoning classification, any site-specific mitigation or enhancement measures or site-design stipulations included in the agreement will be binding on the property. The agreement shall become final when signed by the city, the county and property owner(s) and be filed at the courthouse.

This extraterritorial water and sewer services dispute resolution shall remain in force and effect until amended by agreement of each part or unless otherwise terminated by operation of law.

(Res. No. 99-003, 7-13-1999)

Secs. 46-233—46-260. - Reserved.

## ARTICLE VIII. - VARIANCES

### Sec. 46-261. - Hardship.

Where the board finds that extraordinary hardships may result from strict compliance with this chapter due to unusual topographic or other conditions beyond the control of the subdivider upon due consideration, it may vary the regulations so that substantial justice may be done and the public interest secured; however, such variance will not have the effect of nullifying the intent or purpose of this chapter. Any variance thus authorized is required to be entered in writing in the minutes of the first board meeting following issuance of the variance and the reason that justified the departure set forth.

(Ord. of 3-10-1992, art. IX, § 9.01)

### Sec. 46-262. - Experimental subdivisions.

- (a) The board may waive, vary or modify the standards and requirements of this chapter if in its judgment an unusual or experimental subdivision might prove of considerable merit toward:
  - (1) The use of unusual materials in constructing required improvements; or
  - (2) A new or untried design concept in the area which appears promising.
- (b) Special attention may be given to experimental subdivisions that are related to low-cost housing design in an effort to provide housing for lower income families. The board shall require the subdivider to provide a written proposal stating the nature of the experiment, and cost-benefit study following the implementation of same.
- (c) If a subdivision is approved as an experimental subdivision by the board, this designation shall be noted on the plat and reference to this section made along with reference to those requirements and their section number(s) that are being waived, varied or modified.

(Ord. of 3-10-1992, art. IX, § 9.02; Res. No. 2000-001, 3-14-00)

### Sec. 46-263. - Comprehensive group housing development.

A comprehensive group housing development to be constructed on a plot of ground of at least four acres, including construction of two or more buildings, together with the necessary drives and access ways, and which is not subdivided into the customary lots, blocks and streets, may be approved by the board if, in the opinion of the board, departure from this chapter can be made without destroying the intent of this chapter. Plans for all such developments shall be submitted to the board, whether or not such plat is to be recorded. No sales permits shall be issued until such approval has been given.

(Ord. of 3-10-1992, art. IX, § 9.03)

### Sec. 46-264. - Conditions.

In granting variances, modifications and approval for experimental subdivisions, the board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified or approved. They shall include without being limited to personal, surety, performance or maintenance bonds; affidavits; covenants; or other legal instruments.

(Ord. of 3-10-1992, art. IX, § 9.04)

### Sec. 46-265. - Justification for variances.

The burden of proof and/or justification of a need for a variance from this chapter shall be provided by the developer in the form of written documents and/or supporting graphics. The appropriate request for variance forms must be completed and attached. No variances shall be permitted that would nullify the intent of this chapter and the adopted policies of the board.

(Ord. of 3-10-1992, art. IX, § 9.05)



## **MEMORANDUM**

Terrell Partain,  
County Administrator  
July 23, 2021

RE: Item 13 C: Adopting Building Codes and hiring of a Building Inspector

There has been a need for several years for a Building inspector. This is primarily a safety issue. Under our current permitting other there is no way to confirm that building, primarily residential are built to State building codes. With the amount of building going on, out of town builders flooding into the area, etc. I feel we must take this step to assure as much as possible that safe homes are being built as well as remodeling are being build to a minimum standard.

I have attached the section of State law that concerns this, Georgia DCA information, an Ordinance from a neighboring County, and a job description from another County as an example of what will be require for us to adopt.

This position has been funded in the current budget as well as the FY22 budget we are discussing later.

Current through the 2021 Regular Session of the General Assembly.

- GA - Official Code of Georgia Annotated
- TITLE 8. BUILDINGS AND HOUSING
- CHAPTER 2. STANDARDS AND REQUIREMENTS FOR CONSTRUCTION, AND ALTERATION, OF BUILDINGS AND OTHER STRUCTURES
- ARTICLE 1. BUILDINGS GENERALLY
- PART 2. STATE BUILDING, PLUMBING, AND ELECTRICAL CODES

## **§ 8-2-26. (See Editor's notes.) Enforcement of codes generally; employment and training of inspectors; contracts for administration and enforcement of codes**

(a) The governing body of any municipality or county adopting any state minimum standard code shall have the power:

- (1) To adopt by ordinance or resolution any reasonable provisions for the enforcement of the state minimum standard codes, including procedural requirements, provisions for hearings, provisions for appeals from decisions of local inspectors, and any other provisions or procedures necessary to the proper administration and enforcement of the requirements of the state minimum standard codes;
- (2) To provide for inspection of buildings or similar structures to ensure compliance with the state minimum standard codes;
- (3) To employ inspectors, including chief and deputy inspectors, and any other personnel necessary for the proper enforcement of such codes and to provide for the authority, functions, and duties of such inspectors;
- (4) To require permits and to fix charges therefor;
- (5) To contract with other municipalities or counties adopting any state minimum standard code to administer such codes and to provide inspection and enforcement personnel and services necessary to ensure compliance with the codes; and
- (6) To contract with any other county or municipality whereby the parties agree that the inspectors of each contracting party may have jurisdiction to enforce the state minimum standard codes within the boundaries of the other contracting party.

(b) The commissioner shall be authorized to establish a training program for local inspectors whereby a representative of the department, upon the request of the governing authority of a county or municipality, may visit such county or municipality for the purpose of training the inspectors of such county or municipality in the effective enforcement of any state minimum standard code adopted by such county or municipality. The commissioner may from time to time establish regional training programs whereby the inspectors of several different counties and municipalities may take advantage of the training made available by such regional training programs.

(c) No local inspector shall require any person performing work in compliance with a state minimum standard code or variations thereto which are in conformity with the provisions of this part to comply with the standards of any other building code not covered by this part.

(d)

(1) In lieu of inspection by an inspector or other person employed by the governing authority of any county or municipality, a licensed master plumber or utility contractor shall have the option of installing a water or sewer line according to the alternative inspection procedure described in this subsection where the installation is on private property outside the building underground.

(2) If the master plumber or utility contractor elects to utilize this inspection procedure, he or she shall file with the local inspector:

(A) Notice that the water and sewer line will be installed in accordance with the International Plumbing Code and will be inspected pursuant to the alternative inspection procedure described in this subsection;

(B) A copy of his or her master plumber or utility contractor certificate issued by the State Construction Industry Licensing Board;

(C) A copy of his or her trenching competent person certificate;

(D) A certificate showing that a bond has been filed in accordance with paragraph (2) of subsection (b) of Code Section 43-14-12, except that such bond shall be in the amount of \$50,000.00 and issued by a surety rated "A," "Class VI," or better by the A. M. Best Company; and

(E) Within five business days after completion of the installation, a sworn certification that the water or sewer line has been installed in accordance with the International Plumbing Code.

(3) The department shall promulgate a standard form notice and a standard form certificate that shall be used to administer this subsection. Local inspectors shall make copies of the standard forms available to contractors.

(4) The master plumber or utility contractor shall be required to pay to the governing authority the applicable permit fee.

(5) Upon submission of the certification required by this subsection, the local governing authority shall be required to accept the inspection without the necessity of further inspection or approval, except that the local governing authority may perform an inspection at any time and may issue a stop-work order if the work is found to be in violation of code requirements.

(6) Any other provision of this subsection notwithstanding, the alternative inspection procedure described in this subsection shall be applicable only to installations on private individual single-family residential property.

(e) (1) Any county or municipal building permit issued in this state to a general contractor or homebuilder for residential or commercial construction shall have prominently printed thereon at least one inch apart from any other text on such permit and in type size and boldness equal to or greater than any other type size and boldness in the body of the permit the following:

"The issuance of this permit authorizes improvements of the real property designated herein which improvements may subject such property to mechanics' and materialmen's liens pursuant to Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated. In order to protect any interest in such property and to avoid encumbrances thereon, the owner or any person with an interest in such property should consider contacting an attorney or purchasing a consumer's guide to the lien laws which may be available at building supply home centers."

(2) Any county or municipal construction permit, including but not limited to mechanical, plumbing, or electrical permits, issued in this state on existing residential or commercial property shall have prominently printed thereon at least one inch apart from any other text on such permit

and in type size and boldness equal to or greater than any other type size and boldness in the body of the permit the following:

"The issuance of this permit authorizes improvements of the real property designated herein which improvements may subject such property to mechanics' and materialmen's liens pursuant to Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated. In order to protect any interest in such property and to avoid encumbrances thereon, the owner or any person with an interest in such property should consider contacting an attorney or purchasing a consumer's guide to the lien laws which may be available at building supply home centers."

(3) Any person or entity which is issued a permit which authorizes improvements to new or existing residential or commercial real property shall be required to:

(A) Post a copy of such permit in a conspicuous place in the vicinity of such property where such improvements are being undertaken; or

(B) Deliver a copy of the permit to the property owner within ten days after the permit is received.

(f) A local inspector, including a fire service employee enforcing a state or local fire safety standard, who specifies a code violation noted during an inspection shall, upon the written request of the permit holder, cite in writing the particular code book, section, and edition of the code which is the basis of the violation.

(g) (1) As used in this subsection, the term:

(A) "Complete application" means a submitted plan, application, or request for inspection that contains all of the information and supporting documentation required by the county or municipality for it to make the determination as to whether the plan, application, or request is in compliance with regulatory requirements.

(B) "Private professional provider" means a:

(i) Professional engineer who holds a certificate of registration issued under Chapter 15 of Title 43;

(ii) Professional architect who holds a certificate of registration issued under Chapter 4 of Title 43; or

(iii) Qualified inspector as such term is defined in Code Section 8-2-26.1

who is not an employee of or otherwise affiliated with or financially interested in the person, firm, or corporation engaged in the construction project to be reviewed or inspected.

(C) "Regulatory fee" means payments, whether designated as permit fees, application fees, or by another name, that are required by a local government as an exercise of its police power, its regulation of business, and as a part of or as an aid to regulation of construction related activities under this chapter.

(D) "Regulatory requirements" means the requirements determined by a county or municipality to be necessary for approval of plans, permits, or applications under this chapter; provided, however, that with respect to any application, such requirements shall include the Georgia State Minimum Standard Codes most recently adopted by the Department of Community Affairs and any locally adopted ordinances and amendments to such codes; applicable zoning ordinances and conditions; design standards; and other state and local laws, regulations, and ordinances applicable to the application in question.

(2) Each county or municipality which imposes regulatory fees or regulatory requirements within its jurisdiction shall establish and make available a schedule of such regulatory fees and regulatory requirements which shall include a list of all documentation related to compliance with such regulatory requirements, including the requirements necessary for submittal of a complete application. The amount of any regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the local government and shall be subject to the provisions of paragraph (6) of Code Section 48-13-5.

(3) No later than five business days after receipt of any application related to regulatory requirements, a local building official of a county or municipality shall notify each applicant as to whether the submitted documents meet the requirements of a complete application. Except as otherwise provided in this paragraph, time spent by a county or municipality determining whether an application is complete shall count toward the total 30 days for plan review or inspection. If a local building official determines that the application is not complete, the applicant shall be provided written notice identifying the items that are not complete. The 30 day time period is tolled when the application is rejected as incomplete. If within 30 days after the county or municipality has provided notice that the application is incomplete the permit applicant submits revisions to address the identified deficiencies, the local building official shall have an additional five business days to review the application for completeness.

(4) At the time a county or municipality notifies the applicant that a complete application has been accepted, it shall also notify such applicant as to whether the personnel employed or contracted by such county or municipality will be able to provide regulatory action within 30 days for plan review or provide inspection services within two business days of receiving a valid written request for inspection.

(5) The applicant shall have the option of retaining, at its own expense, a private professional provider to provide the required plan review or inspection in accordance with the provisions of this Code section irrespective of whether the county or municipality determines that the personnel employed or contracted by such county or municipality can provide regulatory action or inspection services within the time frames required under paragraph (4) of this subsection. If the applicant elects to utilize the services of a private professional provider, the regulatory fees associated with such regulatory action shall be reduced by 50 percent and such reduced amount shall be paid to the county or municipality in accordance with such jurisdiction's policies.

(6) If the county or municipality determines that the personnel employed or contracted by such county or municipality can provide regulatory action or inspection services within the time frames required under paragraph (4) of this subsection, a convenience fee not to exceed the full amount of the regulatory fees associated with such regulatory action shall be paid to the county or municipality in accordance with such jurisdiction's policies.

(7) If the local governing authority states its intent to complete the required plan review within the time prescribed by paragraph (4) of this subsection, or any extension thereof mutually agreed to by the applicant and the governing authority, and the local governing authority fails to complete such plan review in the time prescribed by paragraph (4) of this subsection, or any extension thereof mutually agreed to by the applicant and the governing authority, the local governing authority shall issue the applicant a project initiation permit. The local governing authority shall be allowed to limit the scope of a project initiation permit and limit the areas of the site to which the project initiation permit may apply but shall permit the applicant to begin work on the project, provided that portion of the initial phase of work is compliant with applicable codes, laws, and rules. If the plans submitted for permitting are denied for any

deficiency, the time frames and process for resubmittal shall be governed by subparagraphs (C) through (E) of paragraph (13) of this subsection. Any delay in the processing of an application that is attributable to a cause outside the control of the county or municipality that is processing the application or through fault of the applicant shall not count toward days for the purposes of this subsection. This paragraph shall not be applicable if the applicant elects to retain a private professional provider to provide the required plan review.

(8) Any plan review or inspection conducted by a private professional provider shall be no less extensive than plan reviews or inspections conducted by county or municipal personnel.

(9) The person, firm, or corporation retaining a private professional provider to conduct a plan review or an inspection shall be required to pay to the county or municipality which requires the plan review or inspection the regulatory fees and charges which are required by paragraph (5) or (6) of this subsection or both, as applicable.

(10) A private professional provider performing plan reviews under this subsection shall review plans to determine compliance with all applicable regulatory requirements. Upon determining that the plans reviewed comply with the applicable regulatory requirements, such private professional provider shall prepare an affidavit or affidavits on a form adopted by the Department of Community Affairs certifying under oath that the following is true and correct to the best of such private professional provider's knowledge and belief and in accordance with the applicable professional standard of care:

(A) The plans were reviewed by the affiant who is duly authorized to perform plan review pursuant to this subsection and who holds the appropriate license or certifications and insurance coverage stipulated in this subsection;

(B) The plans comply with all applicable regulatory requirements; and

(C) The plans submitted for plan review are in conformity with plans previously submitted to obtain governmental approvals required in the plan submittal process and do not make a change to the project reviewed for such approvals.

(11) All private professional providers providing plan review or inspection services pursuant to this subsection shall secure and maintain insurance coverage for professional liability (errors and omissions) insurance. The limits of such insurance shall be not less than \$1 million per claim and \$1 million in aggregate coverage for any project with a construction cost of \$5 million or less and \$2 million per claim and \$2 million in aggregate coverage for any project with a construction cost of more than \$5 million. Such insurance may be a practice policy or project-specific coverage. If the insurance is a practice policy, it shall contain prior acts coverage for the private professional provider. If the insurance is project-specific, it shall continue in effect for two years following the issuance of the certificate of final completion for the project. A local enforcement agency, local building official, or local government may establish, for private professional providers working within that jurisdiction, a system of registration listing the private professional providers within their stated areas of competency. The permit applicant shall verify compliance with the insurance requirements of this paragraph.

(12) The private professional provider shall be empowered to perform any plan review or inspection required by the governing authority of any county or municipality, including, but not limited to, inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any and all other inspections necessary or required to determine compliance with all regulatory requirements and for the issuance of a building permit or certificate of occupancy by the governing authority of any county or municipality, provided that the plan review or inspection is within the scope of such private

professional provider's area of competency; and provided, further, that a qualified inspector acting as a private professional provider shall only be empowered to perform a plan review or inspection within an area for which such qualified inspector has been issued a certification, license, or completion of training provided for in paragraph (2) of subsection (a) of Code Section 8-2-26.1. Nothing in this Code section shall authorize any private professional provider to issue a certificate of occupancy. Only a local governing authority shall be authorized to issue a certificate of occupancy.

(13) (A) The permit applicant shall submit a copy of the private professional provider's plan review report to the county or municipality within five days of its completion. Such plan review report shall include at a minimum all of the following:

- (i) The affidavit of the private professional provider required pursuant to this subsection;
- (ii) The applicable fees; and
- (iii) Any documents required by the local official and any other documents necessary to determine that the permit applicant has secured all other governmental approvals required by law.

(B) No more than 30 days after receipt of both a permit application and the affidavit from the private professional provider required pursuant to this subsection, the local building official shall issue the requested permit or provide written notice to the permit applicant identifying the specific plan features that do not comply with the applicable regulatory requirements, as well as the specific code chapters and sections of such regulatory requirements. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 30 day period, the permit application shall be deemed approved as a matter of law and the permit shall be issued by the local building official on the next business day.

(C) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 30 day period, the 30 day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to this subsection or to submit revisions to correct the deficiencies.

(D) If the permit applicant submits revisions to address the plan deficiencies previously identified, the local building official shall have the remainder of the tolled 30 day period plus an additional five business days to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable regulatory requirements, with specific reference to the relevant code chapters and sections of such regulatory requirements. If the local building official does not provide the second written notice within the prescribed time period, the permit shall be issued by the local building official on the next business day. In the event that the revisions required to address the plan deficiencies or any additional revisions submitted by the applicant require that new governmental approvals be obtained, the applicant shall be required to obtain such approvals before a new plan report can be submitted.

(E) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to this subsection or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official shall have an additional five business days to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in

noncompliance with the applicable regulatory requirements, with specific reference to the relevant code chapters and sections.

(14) Upon submission by the private professional provider of a copy of his or her inspection report to the local governing authority, said local governing authority shall be required to accept the inspection of the private professional provider without the necessity of further inspection or approval by the inspectors or other personnel employed by the local governing authority unless said governing authority has notified the private professional provider, within two business days after the submission of the inspection report, that it finds the report incomplete or the inspection inadequate and has provided the private professional provider with a written description of the deficiencies and specific regulatory requirements that have not been adequately addressed.

(15) A local governing authority may provide for the prequalification of private professional providers who may perform plan reviews or inspections pursuant to this subsection. No ordinance implementing prequalification shall become effective until notice of the governing authority's intent to require prequalification and the specific requirements for prequalification have been advertised in the newspaper in which the sheriff's advertisements for that locality are published, and by any other methods such local authority ordinarily utilizes for notification of engineering, architecture, or construction related solicitations. The ordinance implementing prequalification shall provide for evaluation of the qualifications of a private professional provider only on the basis of the private professional provider's expertise with respect to the objectives of this subsection, as demonstrated by the private professional provider's experience, education, and training. Such ordinance may require a private professional provider to hold additional certifications, provided that such certifications are required by ordinance for plan review personnel currently directly employed by such local governing authority.

(16) Nothing in this subsection shall be construed to limit any public or private right of action designed to provide protection, rights, or remedies for consumers.

(17) Reserved.

(18) If the local building official determines that the building construction or plans do not comply with the applicable regulatory requirements, the official may deny the permit or request for a certificate of occupancy or certificate of completion, as appropriate, or may issue a stop-work order for the project or any portion thereof as provided by law, after giving notice to the owner, the architect of record, the engineer of record, or the contractor of record and by posting a copy of the order on the site of the project and opportunity to remedy the violation within the time limits set forth in the notice, if the official determines noncompliance with regulatory requirements, provided that:

(A) A local building official shall be available to meet with the private professional provider within two business days to resolve any dispute after issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion; and

(B) If the local building official and the private professional provider are unable to resolve the dispute or meet within the time required by this Code section, the matter shall be referred to the local enforcement agency's board of appeals, if one exists, which shall consider the matter not later than its next scheduled meeting. Any decisions by the local official, if there is no board of appeals, may be appealed to the Department of Community Affairs as provided in this chapter. The Department of Community Affairs shall develop rules and regulations which shall establish reasonable time frames and fees to carry out the provisions of this paragraph.

(19) The local government, a local building official, and local building code enforcement personnel and agents of the local government shall be immune from liability to any person or party for any action or inaction by an owner of a building or by a private professional provider or its duly authorized representative in connection with plan review and inspection services by private professional providers as provided in this subsection.

(20) No local enforcement agency, local code official, or local government shall adopt or enforce any rules, procedures, policies, qualifications, or standards more stringent than those prescribed in this subsection. This subsection shall not preempt any local laws, rules, or procedures relating to the plan submittal process of local governing authorities.

(21) Nothing in this subsection shall limit the authority of a local code official to issue a stop-work order for a building project or any portion of such project, which may go into effect immediately as provided by law, after giving notice and opportunity to remedy the violation, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare. A stop-work order issued for reasons of immediate threat to public safety and welfare shall be appealable to the local enforcement agency's board of appeals, if one exists, in the manner provided by applicable law. Any decisions by the local official, if there is no board of appeals, may be appealed to the Department of Community Affairs as provided in this chapter.

(22) When performing plan reviews or inspection services, a private professional provider is subject to the disciplinary guidelines of the applicable professional licensing board with jurisdiction over such private professional provider's license or certification under Chapters 4 and 15 of Title 43, as applicable. Any complaint processing, investigation, and discipline that arise out of a private professional provider's performance of plan reviews or inspection services shall be conducted by the applicable professional licensing board. Notwithstanding any disciplinary rules of the applicable professional licensing board with jurisdiction over such private professional provider's license or certification under Chapters 4 and 15 of Title 43, any local building official may decline to accept plan reviews or inspection services submitted by any private professional provider who has submitted multiple reports which required revisions due to negligence, noncompliance, or deficiencies.

(23) Nothing in this subsection shall apply to inspections exempted in Code Section 8-2-26.1.

(24) To the extent that a provision of this Code section conflicts with requirements of federal laws or regulations or impairs a county's or municipality's receipt of federal funds, such provision shall not apply.

History. -- Ga. L. 1969, p. 546, § 6; Ga. L. 1970, p. 734, § 2; Ga. L. 1971, p. 242, § 5; Ga. L. 1980, p. 1316, § 6; Ga. L. 1989, p. 1659, § 8; Ga. L. 1996, p. 1632, § 1; Ga. L. 1997, p. 550, § 1; Ga. L. 1998, p. 1033, § 1; Ga. L. 2000, p. 452, § 2; Ga. L. 2000, p. 456, § 1; Ga. L. 2004, p. 551, § 6; Ga. L. 2006, p. 506, § 1/HB 1385; Ga. L. 2019, p. 606, § 2/HB 493; Ga. L. 2021, p. sb0049, § 1/SB 49.

Editor's notes. -- For application of this statute in 2020 and 2021, see Executive Orders 03.20.20.02 and 03.30.20.02.

A listing of Executive Orders issued in 2020 and 2021 can be found at <https://gov.georgia.gov/executive-action/executive-orders>.

## **§ 8-2-26.1. Definitions and requirements**

(a) As used in this Code section, the term:

(1) "ICC" means the International Code Council.

(2) "Qualified inspector" means:

(A) A person inspecting for compliance with the International Building Code or the building portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a building inspector;

(B) A person inspecting for the compliance of residential buildings with the National Electrical Code or the electrical portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a residential electrical inspector or an electrical contractor license from the State Construction Industry Licensing Board;

(C) A person inspecting for the compliance of nonresidential buildings with the National Electrical Code who holds a certification from the ICC as a commercial electrical inspector or an electrical contractor license from the State Construction Industry Licensing Board;

(D) A person inspecting for compliance with the International Fuel Gas Code who holds a certification from the ICC as a mechanical inspector or plumbing inspector or a conditioned air contractor, journeyman plumber, or master plumber license from the State Construction Industry Licensing Board;

(E) A person inspecting for compliance with the International Mechanical Code or the mechanical portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a mechanical inspector or a conditioned air contractor license from the State Construction Industry Licensing Board;

(F) A person inspecting for compliance with the International Plumbing Code or the plumbing portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a plumbing inspector or a journeyman plumber or master plumber license from the State Construction Industry Licensing Board;

(G) A person inspecting for compliance with any portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a one- and two-family dwelling inspector;

(H) A person inspecting for compliance with the International Energy Conservation Code for Buildings who has completed eight hours of training that is conducted or approved by the department; or

(I) A person inspecting for compliance with any of the codes listed in subparagraphs (A) through (H) of this paragraph who holds:

(i) A certificate of registration as a professional engineer issued under Chapter 15 of Title 43 and is practicing within the scope of his or her branch of engineering expertise while conducting such inspection;

(ii) A level II, III, IV, or V certification from the Building Officials Association of Georgia, provided that such levels of certification require work experience and an examination by the ICC or a testing agency approved by the Building Officials Association of Georgia; or

(iii) A level II, III, IV, or V certification from the Building Officials Association of Georgia on July 1, 2015.

(3) "State Construction Industry Licensing Board" means that board created pursuant to Code Section 43-14-3.

(b) The governing authority of any municipality or county which has adopted provisions for the enforcement of the state minimum standard codes shall post a notice stating whether the personnel employed by that governing authority to conduct inspections for compliance with such codes are qualified inspectors. Such notice shall separately address each minimum standard code enumerated in subdivisions (9)(A)(i)(I) through (9)(A)(i)(VIII) or (9)(B)(i)(I) through (9)(B)(i)(VIII) of Code Section 8-2-20 and the building, electrical, mechanical, and plumbing portions of the International Residential Code for One- and Two-Family Dwellings, and state whether all personnel assigned to conduct inspections for the particular code or portion of the code are qualified inspectors for that code or portion of the code.

(c) If such notice states that not all personnel assigned to conduct inspections for a particular state minimum standard code or portion of such code are qualified inspectors for that code or portion of the code, then the governing authority may retain qualified inspectors not employed by the governing authority to conduct inspections. If the governing authority does not so retain qualified inspectors, then any person, firm, or corporation engaged in a construction project which requires inspection shall have the option of retaining, at its own expense, a person who is a qualified inspector for that code or portion of the code and who is not an employee of or otherwise affiliated with or financially interested in such person, firm, or corporation to provide the required inspection.

(d) The person, firm, or corporation retaining a qualified inspector to conduct an inspection pursuant to this Code section shall be required to pay to the county or municipality which requires the inspection the same permit fees and charges which would have been required had the inspection been conducted by a county or municipal inspector.

(e) A qualified inspector retained pursuant to this Code section shall be empowered to perform any inspection required by the governing authority of any county or municipality, including but not limited to inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any and all other inspections necessary or required for the issuance of a certificate of occupancy by the governing authority of any county or municipality; provided, however, that the qualified inspector must possess the qualifications described in paragraph (2) of subsection (a) of this Code section for the particular type of inspection. Any inspection conducted pursuant to this Code section shall be no less extensive than an inspection conducted by a county or municipal inspector.

(f) Upon submission by the qualified inspector of a copy of his or her inspection report to the local governing authority, said local governing authority shall be required to accept the inspection of the qualified inspector without the necessity of further inspection or approval by the inspectors or other personnel employed by the local governing authority unless said governing authority has notified the qualified inspector, within two business days after the submission of the inspection report, that it finds the report incomplete or the inspection inadequate and has provided the qualified inspector with a written description of the deficiencies and specific code requirements that have not been adequately addressed.

(g) Nothing in this Code section shall be construed to apply to inspections for compliance with a state or local fire safety standard or erosion control standard.

(h) Nothing in this Code section shall be construed to limit any public or private right of action designed to provide protection, rights, or remedies for consumers.

## **§ 8-2-28. Adoption by municipality or county enforcing construction code of state minimum standard code**

Any municipality or county either enforcing or adopting and enforcing a construction code shall utilize one or more of the state minimum standard codes established pursuant to this part.

### **Information from DCA**

Construction Codes have become an important issue for Georgia's local governments, building professionals and citizens alike. The following is a general overview of Georgia's Construction Code Program, including enforcement, local amendments, current codes, and whom to call if you have questions regarding construction codes and related issues in Georgia.

### **In General**

The Uniform Codes Act is codified at chapter 2 of title 8 of The Official Code of Georgia Annotated. O.C.G.A. Section 8-2-20(9)(B). Below is a list of the current mandatory and permissive state codes. Each of these separate codes typically consist of a base code (e.g. The International Building Code as published by the International Code Council) and a set of Georgia amendments to the base code. The mandatory codes are applicable to all construction whether or not they are locally enforced and the permissive codes are only applicable if a local government chooses to adopt and enforce one or more of these codes. These codes are as follows:

### **Mandatory Codes:**

- **International Building Code**
- **International Residential Code for One- and Two-Family Dwellings**
- **International Fire Code**
- **International Plumbing Code**
- **International Mechanical Code**
- **International Fuel Gas Code**
- **National Electrical Code**
- **International Energy Conservation Code**
- **International Swimming Pool and Spa Code**
  
- **For information and questions regarding the Life Safety Code (NFPA 101), IFC Georgia Amendments or the Georgia Accessibility Code please contact the State Fire Marshal's Office.**

### **Permissive Codes:**

- **Disaster Resilient Building Code IBC Appendix**

- **Disaster Resilient Building Code IRC Appendix**
- **International Property Maintenance Code**
- **International Existing Building Code**
- **National Green Building Standard**

As noted above, the building, one and two family dwelling residential, fire, plumbing, mechanical, gas, electrical, energy, and swimming pool codes are mandatory codes, meaning that under Georgia law, any structure built in Georgia must comply with these codes, whether or not the local government chooses to locally enforce these codes.

In addition, since Georgia law gives the enumerated codes statewide applicability, it is not required that local governments have to adopt the mandatory codes. Local governments must, however, adopt administrative procedures in order to enforce them (O.C.G.A. Section 8-2-25(a)). However, the local government can choose which of the mandatory codes it wishes to locally enforce.

The remaining codes are referred to as permissive codes. Unlike the mandatory codes, in order for a local government to enforce one or more of these permissive codes, that code or codes must be adopted, either by ordinance or resolution, by the local jurisdiction. A copy of the ordinance or resolution adopted must be forwarded to DCA (O.C.G.A. Section 8-2-25 (b)).

### **Administration and Enforcement of the State Minimum Standard Codes**

In order to properly administer and enforce the state minimum standard codes, local governments must adopt reasonable administrative provisions. The power to adopt these administrative procedures is set forth in O.C.G.A. Section 8-2-26(a)(1). These provisions should include procedural requirements for the enforcement of the codes, provisions for hearings, provisions for appeals from decisions of local inspectors, and any other procedures necessary for the proper local administration and enforcement of the state minimum standard codes. These powers include:

- Inspecting buildings and other structures to ensure compliance with the code;
- Employing inspectors and other personnel necessary for the proper enforcement of codes;
- Requiring permits and to establishment charges for said permits; and
- Contracting with other local governments for code enforcement.

DCA periodically reviews, amends and/or updates the state minimum standard codes. If a local government chooses to locally enforce any of these codes, it must enforce the latest editions and the amendments adopted by DCA.

DCA has developed a sample resolution/ordinance that may be used as a guide for local governments in the development of their administrative procedures. Please contact DCA for a copy of this sample resolution/ordinance and for any technical assistance needed in the development of a local code enforcement program.

### **Appendices**

It should be noted that The Uniform Codes Act states that the appendices of the codes are not enforceable unless referenced in the body of the code, adopted by DCA, or specifically adopted by a municipality or county. If any appendices have been adopted by DCA, they will be noted in the Georgia amendments as such.

## **Local Amendments**

The Uniform Codes Act provides that local governments may, under certain conditions, adopt local amendments to the state minimum standard codes. **Please note that DCA does not approve or disapprove any local amendment. The department provides a recommendation only. However, in order to enforce any local amendment, the local government must submit the proposed amendment to DCA for review (O.C.G.A. Section 8-2-25(c)).**

There are several requirements local governments must meet in order to enact a local code amendment. These requirements are as follows:

- The requirements in the proposed local amendment cannot be less stringent than the requirements in the state minimum standard code.
- The local requirements must be based on local climatic, geologic, topographic, or public safety factors;
- The legislative findings of the local governing body must identify the need for the more stringent requirements; and
- The local government must submit the proposed amendment to DCA 60 days prior to the proposed adoption of such an amendment.

After submittal of the proposed local amendment, DCA has 60 days in which to forward its recommendations to the local government. DCA may respond in three ways: recommend adoption of the amendment, recommend the amendment not be adopted, or have no comment on the proposal. If DCA recommends against the adoption of the proposed amendment, the local governing body must vote specifically to reject DCA's recommendation before the local amendment can be adopted and enforced. If DCA fails to respond within the 60-day time frame, the local government may adopt the proposed local amendment.

After adoption by the local governing authority, copies of local amendments must be filed with DCA.

## **The Current State Minimum Standard Codes**

The following are the current state minimum standard codes for construction as adopted by the Board of Community Affairs.

### **Current Mandatory Codes as Adopted by DCA:**

- International Building Code, 2018 Edition, with Georgia Amendments (2020)
- International Residential Code, 2018 Edition, with Georgia Amendments (2020)

- International Fire Code, 2018 Edition (Contact State Fire Marshal Below)
- International Plumbing Code, 2018 Edition, with Georgia Amendments (2020)
- International Mechanical Code, 2018 Edition, with Georgia Amendments (2020)
- International Fuel Gas Code, 2018 Edition, with Georgia Amendments (2020)
- National Electrical Code, 2020 Edition (No Georgia Amendments)
- International Energy Conservation Code, 2015 Edition, with Georgia Supplements and Amendments (2020)
- International Swimming Pool and Spa Code, 2018 Edition, with Georgia Amendments (2020)
- **For information and questions regarding the Life Safety Code (NFPA 101), IFC Georgia Amendments or the Georgia Accessibility Code please contact the State Fire Marshal's Office.**

**Current Permissive Codes as Adopted by DCA:**

- Disaster Resilient Building Code IBC Appendix(2013)
- Disaster Resilient Building Code IRC Appendix (2013)
- International Property Maintenance Code, 2018 Edition, with Georgia Amendments (2021)
- International Existing Building Code, 2018 Edition, with Georgia Amendments (2021)
- National Green Building Standard, 2008 Edition, with Georgia Amendments (2011)

**PLEASE NOTE:** There are Georgia Amendments to the codes, above. Please contact the Construction Codes and Industrialized Buildings Section for more information concerning these amendments.

## Chapter 14 - BUILDINGS AND BUILDING REGULATIONS<sup>[1]</sup>

### Footnotes:

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**Cross reference**— Environment, ch. 26; floods, ch. 30; manufactured homes and trailers, ch. 38; solid waste, ch. 54; streets, sidewalks and other public places, ch. 58; utilities, ch. 66.

**State Law reference**— Buildings and housing, O.C.G.A. tit. 8; adoption and administration of codes, O.C.G.A. §§ 8-2-25, 36-13-1 et seq.; fire protection and safety, O.C.G.A. tit. 25; electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, O.C.G.A. § 43-14-1 et seq.; nonresident contractors, O.C.G.A. § 48-13-30 et seq.

**State Constitution reference**— Building, housing, plumbing and electrical codes, Ga. Const. art. IX, § II, ¶ III.

### ARTICLE I. - IN GENERAL

#### Sec. 14-1. - Persons aggrieved; appeals procedure.

Persons aggrieved by a decision of the building inspector (other than the issuance of a citation, which shall proceed in the manner prescribed by filing written notice of appeal with the zoning administrator within 30 days of such decision. Such appeal shall be heard by the board of appeals and adjustments. Persons aggrieved by a decision of the board of appeals and adjustments may appeal that decision by filing written notice of appeal with the county clerk within 30 days of such decision. Such appeal shall be heard by the board of commissioners.

(Ord. of 1-13-2003, § 6)

Secs. 14-2—14-30. - Reserved.

### ARTICLE II. - CONSTRUCTION CODES

#### DIVISION 1. - GENERALLY

#### Sec. 14-31. - Enforcement of minimum standard codes for construction.

- (a) The board of commissioners enforces the latest edition of the following state minimum standard codes, as adopted and amended by the state department of community affairs:
  - (1) Standard Building Code (International Building Code).
  - (2) Standard Mechanical Code (International Mechanical Code).
  - (3) Standard Gas Code (International Fuel Gas Code).
  - (4) Standard Plumbing Code (International Plumbing Code).
  - (5) National Electrical Code.
  - (6) Standard Fire Prevention Code (International Fire Code).
  - (7) CABO One-Family and Two-Family Dwelling Code (International Residential Code).
  - (8) Georgia State Energy Code (CABO Model Energy Code).
- (b) The following codes, the latest editions as adopted and amended by the state department of community affairs, are hereby adopted by reference as though they were copied in this article fully. It

is the intent of the county to enforce the latest edition of the following state minimum standard codes, as adopted and amended by the state department of community affairs.

- (1) Standard Housing Code.
- (2) Standard Existing Building Code.
- (3) Standard Unsafe Building Abatement Code.

(c) The following is hereby adopted by reference as though copied in this article fully:

Appendix G, Standard Building Code (International Building Code).

- (d) Any matters in such appendix which are contrary to existing ordinances of the county, shall prevail.
- (e) Within such appendix, when reference is made to the duties of certain officials named therein, the designated officials of the county who have duties corresponding to those of the named officials in such appendix shall be deemed to be the responsible officials insofar as enforcing the provisions of such appendix are concerned.

(Ord. of 8-14-1990, § 1—3; Ord. of 12-10-2001)

Secs. 14-32—14-50. - Reserved.

## DIVISION 2. - ENFORCEMENT PROCEDURES

Sec. 14-51. - Purpose.

The purpose of this division 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. In this division, the state minimum standard codes for construction shall be referred to as "the construction codes."

(Ord. of 12-10-2001(1), § 1.1)

Sec. 14-52. - 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.
- (b) *Quality control.* Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.
- (c) *Permitting and inspection.* The inspection or permitting of any building, system or plan, under the requirements of construction codes shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The county nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

(Ord. of 12-10-2001(1), § 1.2)

Sec. 14-53. - Scope.

- (a) *Applicability.* Where, in any specific case, different sections of these construction codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (1) *Building.* The provisions of the standard 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 standard 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 extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one-family and two-family dwellings.
  - (4) *Mechanical.* The provisions of the standard 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-family and two-family dwellings.
  - (5) *Plumbing.* The provisions of the standard 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) *Fire prevention.* The provisions of the standard fire prevention 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, of every building or structure or any appurtenances connected or attached to such buildings or structures.
  - (7) *Energy.* The provisions of the CABO model energy 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.
  - (8) *CABO one-family and two-family dwelling.* The provisions of the CABO one-family and two-family dwelling 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, of every one-family or two-family dwelling or any appurtenances connected or attached to such buildings or structures.
  - (9) *Unsafe building abatement code.* The provisions of this code provide code enforcement personnel with the necessary tools to have dangerous and unsafe buildings repaired or demolished.
- (b) *Federal and state authority.* The provisions of the construction codes shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes or of any remedy

then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

- (c) *Appendices.* Appendices referenced in the text of the construction codes shall be considered an integral part of the construction codes.
- (d) *Referenced standards.* Standards referenced in the text of the construction codes shall be considered an integral part of the construction codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where construction code provisions conflict with a standard, the construction code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.
- (e) *Maintenance.* All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

(Ord. of 12-10-2001(1), § 1.3)

#### Sec. 14-54. - Building department.

There is hereby established a department to be called the building department and the person in charge shall be known as the building inspector. The board of commissioners shall establish the qualifications for the building inspector and other code enforcement personnel.

- (1) *Restrictions on employees.* An officer or employee connected with the department, except one whose only connection is as a member of the board established by section 14-69(a), shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with his duties or conflict with the interests of the department.
- (2) *Records.* The building inspector shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection pursuant to the provisions of the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.).
- (3) *Liability.* Any officer or employee, or member of the board of adjustments and appeals, charged with the enforcement of the construction codes, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of the construction codes shall be defended by the governing jurisdiction until the final termination of the proceedings.
- (4) *Reports.* The building inspector shall submit annually a report covering the work of the building department during the preceding year. He may incorporate in said report a summary of the decisions of the board of adjustments and appeals during the year.

(Ord. of 12-10-2001(1), § 1.4)

#### Sec. 14-55. - Existing buildings.

- (a) *Generally.* Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the construction codes

provided that the alteration, repair or rehabilitation work conforms to the requirements of the construction codes for new construction. The building inspector shall determine the extent to which the existing system shall be made to conform to the requirements of the construction codes for new construction.

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

(Ord. of 12-10-2001(1), § 1.5)

Sec. 14-56. - Special historic buildings.

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

(Ord. of 12-10-2001(1), § 1.6)

Sec. 14-57. - Powers and duties of the building inspector.

- (a) *Generally.* The building inspector is hereby authorized and directed to enforce the provisions of the construction codes. The building inspector is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose.
- (b) *Right of entry.*
  - (1) Whenever necessary to make an inspection to enforce any of the provisions of the construction codes, or whenever the building inspector has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building inspector may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building inspector by these construction codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building inspector shall have recourse to every remedy provided by law to secure entry.
  - (2) When the building inspector shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building inspector for the purpose of inspection and examination pursuant to the construction codes.
- (c) *Stop work orders.* Upon notice from the building inspector, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building inspector shall not be required to give a written notice prior to stopping the work.
- (d) *Revocation of permits.*

- (1) *Misrepresentation of application.* The building inspector may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- (2) *Violation of code provisions.* The building inspector may revoke a permit upon determination by the building inspector that the construction erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.
- (e) *Unsafe buildings or systems.* All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the standard unsafe building abatement code.
- (f) *Requirements not covered by code.* Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by the construction codes, shall be determined by the building inspector.
- (g) *Alternate materials and methods.* The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building inspector. The building inspector shall approve any such alternate, provided the building inspector finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the construction codes, in quality, strength, effectiveness, fire resistance, durability and safety. The building inspector shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

(Ord. of 12-10-2001(1), § 2)

Sec. 14-58. - Permits application.

- (a) *When required.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the building inspector and obtain the required permit for the work.
- (b) *Exception.* Permits shall not be required for the following mechanical work:
  - (1) Any portable heating appliance;
  - (2) Any portable ventilation equipment;
  - (3) Any portable cooling unit;
  - (4) Any steam, hot or chilled water piping within any heating or cooling equipment regulated by the construction codes;
  - (5) Replacements of any part which does not alter its approval or make it unsafe;
  - (6) Any portable evaporative cooler;
  - (7) Any self-contained refrigeration system containing ten lb.(4.54 kg.) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
- (c) *Work authorized.* A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the

specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

- (d) *Minor repairs.* Ordinary minor repairs may be made with the approval of the building inspector without a permit, provided that such repairs shall not violate any of the provisions of the construction codes.
- (e) *Information required.* Each application for a permit, with the required fee, shall be filed with the building inspector on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the building inspector.
- (f) *Time limitations.* An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the building inspector for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

(Ord. of 12-10-2001(1), § 3.1)

Sec. 14-59. - Drawings and specifications.

- (a) *Requirements.* When required by the building inspector, two or more copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the construction codes. Such information shall be specific, and the construction codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.
- (b) *Additional data.* The building inspector may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the building inspector to be prepared by an architect or engineer shall be affixed with their official seal.
- (c) *Design professional.* The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:
  - (1) All Group A, E, and I occupancies.
  - (2) Buildings and structures three stories or more high.
  - (3) Buildings and structures 5,000 square feet (465 m<sup>2</sup>) or more in area.

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

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

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

- (e) *Site drawings.* Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building inspector may require a boundary line survey prepared by a qualified surveyor.
- (f) *Hazardous occupancies.* The building inspector 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. of 12-10-2001(1), § 3.2)

Sec. 14-60. - Examination of documents.

- (a) *Plan review.* The building inspector shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the construction codes and all other pertinent laws or ordinances.
- (b) *Affidavits.* The building inspector 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 inspector may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building inspector, 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 inspector 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.

(Ord. of 12-10-2001(1), § 3.3)

Sec. 14-61. - Issuing permits.

- (a) *Action on permits.* The building inspector shall act upon an application for a permit without unreasonable or unnecessary delay. If the building inspector is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.
- (b) *Refusal to issue permit.* If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other pertinent laws or ordinances, the building inspector shall not issue a permit, but shall return the contract

documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

- (c) *Special foundation permit.* When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building inspector may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the construction codes.
- (d) *Public right-of-way.* A permit shall not be given by the building inspector for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the director of public works for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the building inspector to see that the street lines are not encroached upon except as provided for in chapter 22 of the standard building code.

(Ord. of 12-10-2001(1), § 3.4)

Sec. 14-62. - Contractor responsibilities.

It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, 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 board of commissioners may have adopted. In such case that the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the local government with their license number before receiving a permit for work to be performed.

(Ord. of 12-10-2001(1), § 3.5)

Sec. 14-63. - Conditions of the permit.

- (a) *Permit intent.* A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the construction codes, nor shall issuance of a permit prevent the building inspector from thereafter requiring a correction of errors in plans, construction, or violations of the construction codes. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the building inspector.
- (b) *Permit issued on basis of an affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building inspector, are hazardous or complex, the building inspector 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 inspector written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes. If such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building inspector.
- (c) *Plans.* When the building inspector issues a permit, he shall enforce, in writing or by stamp, both sets of plans "reviewed for code compliance." One set of drawings so reviewed shall be retained by the

building inspector 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 inspector or his authorized representative.

(Ord. of 12-10-2001(1), § 3.6)

Sec. 14-64. - Fees.

- (a) *Prescribed fees.* A permit shall not be issued until the fees prescribed by the governing body have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, etc., has been paid.
- (b) *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.
- (c) *Accounting.* The building inspector 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.
- (d) *Schedule of permit fees.* On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedules as set by the board of commissioners.
- (e) *Building permit valuations.* If, in the opinion of the building inspector, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems estimates to meet the approval of the building inspector. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

(Ord. of 12-10-2001(1), § 3.7)

Sec. 14-65. - Inspections.

- (a) *Existing building inspections.* Before issuing a permit the building inspector may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the construction codes.
- (b) *Manufacturers and fabricators.* When deemed necessary by the building inspector 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.
- (c) *Inspection service.* The building inspector may make, or cause to be made, the inspections required by subsection (f) of this section. He may accept reports of inspectors of recognized inspection services provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.
- (d) *Inspections prior to issuance of certificate of occupancy or completion.* The building inspector shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical

or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

- (e) *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 inspector or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the building inspector.
- (f) *Required inspections.* The building inspector upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical code:

(1) *Building:*

- a. *Foundation inspection:* To be made after trenches are excavated and forms erected.
- b. *Frame inspection:* To be made after the roof, all framing, fireblocking and bracing are in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete.
- c. *Final inspection:* To be made after the building is completed and ready for occupancy.

(2) *Electrical:*

- a. *Underground inspection:* To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
- b. *Rough-in inspection:* To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
- c. *Final inspection:* To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(3) *Plumbing:*

- a. *Underground inspection:* To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
- b. *Rough-in inspection:* To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
- c. *Final inspection:* To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
- d. *Note:* See section 311 of the standard plumbing code for required tests.

(4) *Mechanical:*

- a. *Underground inspection:* To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
- b. *Rough-in inspection:* To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
- c. *Final inspection:* To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

(5) *Gas:*

- a. *Rough piping inspection:* To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

- b. *Final piping inspection:* To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
  - c. *Final inspection:* To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to ensure compliance with all the requirements of the construction codes, and to assure that the installation and construction of the gas system is in accordance with reviewed plans.
- (6) *Energy:*
- a. *Foundation inspection:* To be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.
  - b. *Frame inspection:* To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
  - c. *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.
- (g) *Written release.* Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building inspector. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.
- (h) *Reinforcing steel, structural frames, insulation, plumbing, mechanical, or electrical systems.* Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building inspector.
- (i) *Plaster fire protection.* In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building inspector after all lathing and backing is in place. Plaster shall not be applied until the release from the building inspector has been received.

(Ord. of 12-10-2001(1), § 3.8)

Sec. 14-66. - Certificates.

(a) *Certificate of occupancy.*

- (1) *Building occupancy.* A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the building inspector has issued a certificate of occupancy. The certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the building inspector.
- (2) *Issuing certificate of occupancy.* Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the building inspector shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.
- (3) *Temporary/partial occupancy.* A temporary/partial certificate of occupancy may be issued for a portion of a building, which may safely be occupied prior to final completion of the building.

- (4) *Existing building certificate of occupancy.* A certificate of occupancy for any existing building may be obtained by applying to the building inspector and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended: Where necessary, in the opinion of the building inspector, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the construction codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.
- (b) *Certificate of completion.* Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.
- (c) *Service utilities.*
  - (1) *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the construction codes for which a permit is required, until released by the building inspector and a certificate of occupancy or completion is issued.
  - (2) *Temporary connection.* The building inspector may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.
  - (3) *Authority to disconnect service utilities.* The building inspector shall have the power to authorize disconnection of utility service to the building, structure or system regulated by the construction codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The building inspector shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(Ord. of 12-10-2001(1), § 3.9)

Sec. 14-67. - Posting floor loads.

- (a) *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 inspector 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.
- (b) *Storage and factory-industrial occupancies.* It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Building Department.
- (c) *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 inspector on the plan, shall be marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

(Ord. of 12-10-2001(1), § 3.10)

Sec. 14-68. - Tests.

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

(Ord. of 12-10-2001(1), § 4)

Sec. 14-69. - Construction board of adjustment and appeals.

- (a) *Appointment.* There is hereby established a board to be called the construction board of adjustment and appeals, which shall consist of five members and two alternates. The board of commissioners shall appoint the board of adjustments and appeals.
- (b) *Membership and terms.*
  - (1) *Membership.* The construction board of adjustment and appeals shall consist of five members appointed by the chairman of the board of commissioners. Such board should be composed of individuals with knowledge and experience in the construction codes, such as design professionals, contractors or building industry representatives. In addition to the regular members, the chairman of the board of commissioners should appoint two alternate members, one member at large from the building industry and one member at large from the public. A boardmember shall not act in a case in which he has a personal or financial interest.
  - (2) *Terms.* The terms of office of the boardmember shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall, at the discretion of the board of commissioners, render any such member subject to immediate removal from office.
  - (3) *Quorum and voting.* A simple majority of the board shall constitute a quorum. In varying any provision of the construction codes, the affirmative votes of the majority present shall be required. In modifying a decision of the building inspector, not less than two affirmative votes shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.
- (c) *Secretary of board.* The building inspector shall act as secretary of the board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.
- (d) *Powers.* The construction board of adjustments and appeals shall have the power, as further defined in subsection (d) of this section, to hear the appeals of decisions and interpretations of the building inspector and consider variances of the construction codes.
- (e) *Appeals.*
  - (1) *Decision of the building inspector.* The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building inspector to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:
    - a. The building inspector rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
    - b. The provisions of the construction codes do not apply to this specific case.
    - c. That an equally good or more desirable form of installation can be employed in any specific case.
    - d. The true intent and meaning of the construction codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

(2) *Variances.*

- a. *Findings.* The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of the construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the construction codes or public interest, and also finds that:
    1. Special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
    2. The special conditions and circumstances do not result from the action or inaction of the applicant.
    3. Granting the variance requested will not confer on the applicant any special privilege that is denied by the construction codes to other buildings, structures or service system.
    4. The variance granted is the minimum variance that will made possible the reasonable use of the building, structure or service system.
    5. The grant of the variance will be in harmony with the general intent and purpose of the construction codes and will not be detrimental to the public health, safety and general welfare.
  - b. *Condition of variances.* In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with the construction codes. Violation of the conditions of a variance shall be deemed a violation of the construction codes.
- (3) *Notice of appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the building inspector renders the decision. Appeals shall be in a form acceptable to the building inspector.
- (4) *Unsafe or dangerous buildings or service systems.* In the case of a building, structure, or service system, which, in the opinion of the building inspector, is unsafe, unsanitary or dangerous, the building inspector may, in his order, limit the time for such notice of appeals to a shorter period.
- (f) *Rules and regulations.* The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of these procedures. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.
- (g) *Decisions.* The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building inspector or varies the application of any provision of the construction codes, the building inspector shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building inspector and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building inspector for two weeks after filing. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(Ord. of 12-10-2001(1), § 5)

**Cross reference**— Other boards and commissions, § 2-101 et seq.

Sec. 14-70. - Violations and penalties.

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

(Ord. of 12-10-2001(1), § 7)

Secs. 14-71—14-100. - Reserved.

### ARTICLE III. - PERMITS AND INSPECTIONS

#### DIVISION 1. - GENERALLY

Sec. 14-101. - Issuance of permits.

No building permit shall be issued until the applicant has complied with all requirements of the zoning ordinance in appendix A to this Code.

Secs. 14-102—14-120. - Reserved.

#### DIVISION 2. - FEES

Sec. 14-121. - Board to set fees.

The amounts of the fees referred to in this division shall be set by the board of commissioners.

Sec. 14-122. - Reinspection fees.

If an inspection is called for and the job is not ready when the inspector arrives, a reinspection fee will be charged prior to the reinspection. This fee may be waived by the inspector if he feels that the delay was unavoidable and the contractor could not cancel the inspection in time. No fee will be charged for reinspections of items turned down by the inspector.

(Ord. of 6-9-1992(1), § 1)

Sec. 14-123. - HVAC fees.

Fees for the following shall be required:

(1) *Residential new construction and replacement of existing systems.*

- a. Heat only;
- b. Air conditioning only;
- c. Heat and air;
- d. Gas permits.

(2) *Commercial.*

- a. Heat and air for total electric;

- b. Heat and air for gas and electric;
- c. Gas permits.

(Ord. of 6-9-1992(1), § 2)

Sec. 14-124. - Enforcement and penalty.

- (a) This division shall be enforced by the office of the building inspector of the county. Citations for violations may be issued the chief building inspector of the county.
- (b) Any person violating this division shall be tried before the magistrate court of the county. Upon conviction, a violation of this division may be punished by a fine not to exceed \$500.00 or imprisonment not to exceed 60 days.

(Ord. of 6-9-1992(1), § 3)

Sec. 14-125. - Registration fees.

Registration fees for manufactured home movers for licensed contractors shall be set by the board of commissioners.

(Ord. of 6-9-1992(1), § 4)

Sec. 14-126. - Additional fees.

Additional permit and inspection fees shall be as set by the board of commissioners.

Secs. 14-127—14-160. - Reserved.

ARTICLE IV. - WATER CONSERVATION IN CONSTRUCTION<sup>[2]</sup>

Footnotes:

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**Cross reference**— Utilities, ch. 66.

**State Law reference**— Plumbing requirements for water conservation, O.C.G.A. § 8-2-1 et seq.

Sec. 14-161. - 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:

*Commercial* means any type of building other than residential.

*Construction* means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

*Residential* means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

(Ord. of 5-26-1992, § 1)

**Cross reference**— Definitions generally, § 1-2.

Sec. 14-162. - Prohibited construction.

On or after April 1, 1992, no construction may be initiated within the county for any residential building of any type which:

- (1) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush; provided, however, this paragraph shall not be applicable to one-piece toilets until April 1, 1992;
- (2) Employs a shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;
- (3) Employs a urinal that uses more than an average of 1.0 gallons of water per flush;
- (4) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or
- (5) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

(Ord. of 5-26-1992, § 2)

Sec. 14-163. - Commercial buildings.

On or after July 1, 1992, there shall not be initiated within the county the construction of any commercial building of any type which does not meet the requirements of subsections (1)—(5) of section 14-162.

(Ord. of 5-26-1992, § 3)

Sec. 14-164. - Repairs and renovations.

The requirements of section 14-162 shall apply to any residential construction initiated after April 1, 1992 and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes the replacement of toilets or showers or both.

(Ord. of 5-26-1992, § 4)

Sec. 14-165. - Exemptions.

- (a) *Generally.* New construction and the repair or renovation of an existing building shall be exempt from the requirements of sections 14-162, 14-163 and 14-164 when:
- (1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings;
  - (2) When such plumbing or sewage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets or showerheads required by this article were installed;

- (3) 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) Units to be installed are:
  - a. Specifically designed for use by persons with disabilities;
  - b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
  - c. Toilets for juveniles.
- (b) *Application.* The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsection (a)(2), (3) or (4) of this section shall obtain the exemption by applying at the office of the building inspector for the county. A fee set by the board of commissioners shall be charged for the inspection and issuance of such exemption.

(Ord. of 5-26-1992, § 5)

Sec. 14-166. - Enforcement and penalty.

- (a) This article shall be enforced by the office of the building inspector of the county. Citations for violations may be issued by the chief building inspector of the county.
- (b) Any person violating this article shall be tried before the magistrate court of the county. Upon conviction, a violation of this article may be punished by a fine not to exceed \$500.00 or imprisonment not to exceed 60 days.

(Ord. of 5-26-1992, § 6)



## Building Inspector I

### Building Safety

BS/6-409

#### JOB SUMMARY

This position is responsible for participating in residential building inspection activities in accordance with certifications attained.

#### MAJOR DUTIES

1. Reads and interprets trade and certification specific residential construction documents and plan and specifications for comparison and code compliance to as-built on-site field construction conditions.
2. Documents and maintains accurate records trade and certification specific residential inspections, actions taken, and regulatory efforts; prepares written reports and correspondence.
3. Meets and confers with contractors, builders, design professionals, and the general public to address concerns, code questions or building requirements, alternatives, and policies and procedures.
4. Performs limited professional trade and/or certification inspections of new, existing, and damaged residential and commercial structures for conformance to codes, amendments, ordinances, regulations, specifications, and standards.
5. Maintains required CEUs to keep ICC certifications current.
6. Operates and maintains a motor vehicle, assigned tools and materials.
7. Retrieves open records request documents from storage.
8. Issues Certificates of Occupancy for residential construction depending on experience and certifications attained.
9. Performs other related duties as assigned.

#### KNOWLEDGE REQUIRED BY THE POSITION

1. Knowledge of laws, ordinances, construction codes, policies, standards, and regulations related to the job.
2. Knowledge of safety processes and procedures.
3. Knowledge of computers and job related software programs.
4. Skill in the safe operation of a motor vehicle.
5. Skill in the completion of mathematical calculations.
6. Skill in interpreting complex information and in conveying it to others in an accurate, complete, and understandable manner.
7. Skill in the provision of customer services.
8. Skill in operating various types of tools and equipment.
9. Skill in oral and written communication.

#### SUPERVISORY CONTROLS

The Assistant Building Safety Director or Senior Building Inspector assigns work in terms of general instructions. The supervisor spot-checks completed work for compliance with procedures, accuracy, and the nature and propriety of the final results.

#### GUIDELINES

Guidelines include the county code, the Policy and Procedures Manual, the Administration Manual, the zoning ordinance, Georgia Model Manufactured Home Installation Guidelines, the Wood Frame Construction Manual, manufacturers' installation instructions, the county employee handbook, Department of Community Affairs Amendments, and department policies and procedures. These guidelines require judgment, selection, and interpretation in application.

#### **COMPLEXITY/SCOPE OF WORK**

- The work consists of varied inspection duties. Strict guidelines contribute to the complexity of the position.
- The purpose of this position is to participate in building inspections. Success in this position results in the enforcement of codes, ordinances, amendments, and work processes and procedures.

#### **CONTACTS**

- Contacts are typically with co-workers, developers, contractors, homeowners, environmental health professionals, fire and emergency personnel, and members of the general public.
- Contacts are typically to give or exchange information; resolve problems; provide services; or justify, defend, negotiate, or settle matters.

#### **PHYSICAL DEMANDS/ WORK ENVIRONMENT**

- The work is typically performed while intermittently standing, walking, bending, crouching, or stooping. The employee occasionally lifts light and occasionally heavy objects, climbs ladders, and uses tools or equipment requiring a high degree of dexterity.
- The work is typically performed in an office and outdoors. The employee may be exposed to noise, dust, dirt, grease, machinery with moving parts, contagious or infectious diseases, irritating chemicals, and occasional cold or inclement weather.

#### **SUPERVISORY AND MANAGEMENT RESPONSIBILITY**

None.

#### **SPECIAL CERTIFICATIONS AND LICENSES**

- Possession of a valid State of Georgia driver's license (Class C) and a satisfactory Motor Vehicle Record (MVR) in compliance with County Safety and Loss Control Guidelines. Completion of the State of Georgia Department of Transportation Defensive Driving Course and/or Emergency Vehicle Operation Certification within twelve (12) months of employment.

#### **ADA COMPLIANCE**

- Fayette County is an Equal Opportunity Employer. ADA requires the County to provide reasonable accommodations to qualified individuals with disabilities. Prospective and current employees are invited to discuss accommodations.

#### **HIPAA COMPLIANCE**

- The Health Insurance Portability and Accountability Act of 1996, as amended, requires employees to protect the security of Protected Health Information (PHI) however it is obtained, handled, learned, heard or viewed in the course of their work.

#### **DRUG AND ALCOHOL COMPLIANCE**

- In accordance of Fayette County's Substance Abuse Policy of 1996, as amended, all job applicants offered employment will undergo testing for the presence of illegal drugs and alcohol as a condition of employment. In the course of employment, employees are subject to random, reasonable suspicion, post-accident, and routine fitness for duty testing for illegal drugs and alcohol abuse. Employees are prohibited to work under the influence, to possess, to distribute, or to sell illegal drugs in the work place or abuse alcohol on the job. Confirmed positive is reason for denial of employment and/or termination.

#### **MINIMUM QUALIFICATIONS**

- Knowledge and level of competency commonly associated with completion of specialized training in the field of work, in addition to basic skills typically associated with a high school education.

- Sufficient experience to understand the basic principles relevant to the major duties of the position, usually associated with work experience in the construction trades or having had a similar position for one to two years.
- Possession of a valid driver's licenses issued by the State of Georgia for the type of vehicle or equipment operated.
- Possession of one valid/current certification from the International Code Council (ICC) as a Residential (Building, Electrical, Mechanical, or Plumbing) Inspector within 6 months of employment.