

FIRST READING 12/4/2018

PUBLISHED \_\_\_\_\_

PASSED 1/8/2019

**AN ORDINANCE NO. 82-2018-12-02**

**AN ORDINANCE TO AMEND THE TECHNICAL CODES OF THE TOWN OF CLERMONT, GEORGIA, AND TO ADOPT AND ENFORCE CERTAIN TECHNICAL BUILDING CODES, INCLUDING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, CURRENT EDITION; TO ACKNOWLEDGE THAT THE TOWN WILL ENFORCE CERTAIN STATE MANDATORY TECHNICAL CODES, INCLUDING THE INTERNATIONAL BUILDING CODE, CURRENT EDITION, THE NATIONAL FIRE CODE, CURRENT EDITION, THE INTERNATIONAL FUEL GAS CODE, CURRENT EDITION, THE INTERNATIONAL MECHANICAL CODE, CURRENT EDITION, THE INTERNATIONAL PLUMBING CODE, CURRENT EDITION, THE INTERNATIONAL FIRE CODE, CURRENT EDITION, THE INTERNATIONAL RESIDENTIAL CODE, CURRENT EDITION, AND THE INTERNATIONAL ENERGY CONSERVATION CODE, CURRENT EDITION; TO PROVIDE CERTAIN DUTIES AND RESPONSIBILITIES FOR THE TOWN CLERK OR THE DESIGNATED REPRESENTATIVE OF THE TOWN CLERK AS TO SAID CODES; TO PROVIDE FOR LIMITATION OF LIABILITY FOR CODE ENFORCEMENT; TO SET OUT CERTAIN PERMIT PROCEDURES AND ENFORCEMENT; TO PROVIDE FOR VIOLATIONS OF THE ORDINANCE; TO PROVIDE FOR CERTAIN ADMINISTRATIVE PROCEDURES, ATTACHED AS EXHIBIT "A", TO SAID ORDINANCE AND INCORPORATED BY REFERENCE HEREOF AS THE ADMINISTRATIVE PROCEDURES FOR THE TOWN; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR THE ASSESSMENT OF CERTAIN CODE FEES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, it is the desire of the Town Council of the Town of Clermont, Georgia, to adopt and enforce, in all respects, certain various technical building codes and being the standard codes of the State of Georgia;

WHEREAS, Section 1.13(4) of the Town Charter expressly authorizes the Town Council of the Town of Clermont, Georgia to adopt any standard code of technical regulations and specifically authorizes the adoption of said codes by the Town; and

WHEREAS, a local jurisdiction may adopt administrative procedures in order to enforce said codes pursuant to O. C. G. A. § 8-2-26;

NOW, THEREFORE, BE IT ORDAINED and it is hereby ordained by the above-referenced authority, as follows:

**SECTION 1. AMENDMENT TO THE ORDINANCES OF THE TOWN OF CLERMONT AND THE CODE OF THE TOWN OF CLERMONT.**

This ordinance shall amend the building code ordinances, and all ordinances which deal with the standards for construction of houses and structures within the Town of Clermont, Georgia, and shall also number the ordinance to include it within a code of ordinances of the Town of Clermont, to be known and designated as the "Code of Clermont, Georgia". Although this ordinance amends all prior building code ordinances, in order to facilitate public awareness of the provisions of the ordinances of the Town of Clermont, the amendments of this ordinance shall be numbered to aid the arrangement of the ordinance within a code of ordinances.

**SECTION 2. AMENDMENT TO THE BUILDING CODE ORDINANCES OF THE TOWN OF CLERMONT, GEORGIA.**

The building code ordinances of the Town of Clermont, Georgia, and to be designated and referenced within a Chapter 150 of the code of ordinances, are hereby amended, by striking in their entirety, the prior ordinances and adopting Chapter 150: "**Building Regulations**", and which shall read as follows:

DIVISION 150. GENERALLY

Sec. 150.01. State minimum standard codes.

(a) Codes which are to be enforced by Town Clerk or his or her designated representative are those state minimum standard codes enumerated in O.C.G.A. § 8-2-20(9)(B)(i)(I) - (XI), to-wit:

- (1) International Building Code, latest Edition, published by the International Code Council ("ICC") with the state amendments;
- (2) National Electrical Code, latest Edition, published by the NFPA adopted by the State of Georgia with the state amendments;
- (3) International Fuel Gas Code, latest Edition, published by the ICC adopted by the State of Georgia with the state amendments;
- (4) International Mechanical Code, latest Edition, published by the ICC adopted by the State of Georgia with the state amendments;

- (5) International Plumbing Code, latest Edition, published by the ICC adopted by the State of Georgia with the state amendments;
- (6) International Residential Code for One- and Two-Family Dwellings, latest Edition, published by the ICC adopted by the State of Georgia with the state amendments;
- (7) International Energy Conservation Code, latest Edition, published by the ICC adopted by the State of Georgia with the state amendments;
- (8) International Fire Code, latest Edition, published by the ICC adopted by the State of Georgia with the state amendments;
- (9) International Existing Building Code, latest Edition published by the ICC adopted by the State of Georgia with the state amendments.
- (10) International Property Maintenance Code, latest Edition published by the ICC adopted by the State of Georgia with the state amendments.
- (11) Any other codes deemed appropriate by the Board of Community Affairs for the safety and welfare of Georgia's citizens.

which codes have statewide application and do not require adoption by local ordinance, shall be enforced by the Town Clerk or his or her designated representative or his or her designee (s) in accordance with the provisions of this ordinance and any administrative procedures adopted by resolution of the Town Council.

The edition of such codes as currently adopted by the Georgia Department of Community Affairs shall be used and enforced, except where a subsequently published edition of any such code has been adopted by the Georgia Department of Community Affairs, with approval of its board, or such code has been amended or revised as provided in O.C.G.A. § 8-2-23.

(c) Application, interpretation and enforcement of International Energy Conservation Code. Except in regard to buildings owned by the state, the design, erection, construction and alteration of any building to which the International Energy Conservation Code for Buildings, with state amendments, shall apply shall be accomplished so that the building or applicable portions thereof shall meet or conform to such code. The International Energy Conservation Code for Buildings shall not apply to exempted buildings; and, with respect to renovated buildings, such code shall apply only to portions or systems of the building which are directly involved in the renovation. Interpretation and enforcement of such code shall be solely within the province of the Town Clerk or his or her designated representative; provided, however, the Commissioner of the Department of Community Affairs or his or her designated representative shall hear appeals relating to the interpretation, enforcement and administration of such code and may remand any case to the Town with instructions to take such action as he directs

(d) Availability of codes; public inspection and copying. Copies of the current edition of all applicable codes shall be maintained in the Town Clerk or his or her designated representative's office at Town Hall for public inspection during regular business hours., Inasmuch as the ICC standardized codes referenced herein constitute copyrighted material, copies cannot be sold or distributed by the Town building and code enforcement division, but may be purchased directly by contacting International Code Council, 900 Montclair Road, Birmingham, AL 35213, or by telephoning (205) 591-1853. Copies of the state amendments to the standardized codes may be obtained, without charge, on the Department of Community Affairs' website at: [www.dca.state.ga.us/planning/codes](http://www.dca.state.ga.us/planning/codes).

Sec. 150.02. Duties and responsibilities of Town Clerk or his or her designated representative.

(a) Primary administration and enforcement of construction codes is vested in the Town Clerk, who may appoint one or more building inspectors and delegate such functions as the Clerk, in his or her discretion, deems appropriate. Where more than one building inspector is employed, the clerk may designate a chief building inspector to administratively head the department of building and code enforcement. The Clerk, and his or her designated representatives, shall have and exercise the following duties and responsibilities in the enforcement of state minimum standard codes:

- (1) To interpret, enforce, and administer the state minimum standard codes within the Town in accordance with the provisions and procedural requirements of this article;
- (2) To inspect all existing buildings and structures as required by such codes and to permit and inspect new construction and the renovation, alteration, modification and repairs to existing structures to assure compliance with applicable state minimum code ordinance;
- (3) Pursuant to the budget and personnel regulations of said Town, to employ inspectors and other personnel necessary (or with the approval of the Town Council, retain qualified individuals as independent contractors to perform the functions and duties of such inspectors) for the proper enforcement of such codes and to provide for the authority, functions, and duties of such inspectors;
- (4) To bring enforcement actions, prosecute complaints and citations in the appropriate court and to appeal those decisions adverse to the best interest of the Town;
- (5) To study and make recommendations to the Town Council on ordinances relating to the administration and enforcement of state minimum standard codes; and
- (6) To perform all other duties and functions imposed upon the chief administrative officer, by whatever name or title referred, in the state minimum standard codes.

(b) Pursuant to the authority contained in the O.C.G.A. § 8-2-26, self-inspection of water and sewer projects by master plumbers or utility contractors shall be applicable in the Town, except as to projects that will become part of the infrastructure of the utilities of the Town.

(c) The duties and responsibilities of the Clerk and his or her designated representatives, set forth in this section, may, by private or intergovernmental contract approved by the Town Council, be exercised and performed by an independent contractor or by the Town Clerk or his or her designated representative of any county or other municipal corporation of this state. When such contract has been entered and approved by the Town Council, the acts of such contractor shall be deemed the acts of the Town as if fully performed directly by the Town, its officers and employees.

Sec. 150.03. Limitation of liability for code enforcement; no special duty created.

It is the intent of this article to protect the public health, life safety and general welfare of properties and occupiers of buildings and structures within the Town in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of the Town. Approval of a permit and inspection of a property shall in no manner guarantee or warrant to the owner or occupants thereof that said property has been constructed, maintained, or operated in conformance with applicable codes, laws and regulations. The Town reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the Town, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any federal or state law, regulation, or ordinance requires compliance as a condition precedent to the issuance of a permit, plan or design approval, inspection or other activity by the Town, its officers, employees and agents, issuance of such permit, approval, or inspection shall not be deemed to constitute a waiver or estoppel of the condition precedent, and it shall remain the obligation and responsibility of the owner, his design professional(s), and contractor(s) to satisfy such legal requirements.

## DIVISION 2. PERMIT PROCEDURES AND ENFORCEMENT

Sec. 150.11. Permits.

(a) Required. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building or structure within the Town, or cause the same to be done, without first obtaining a permit for such building or structure from the Town. Separate permits are required for grading, electrical, plumbing, mechanical, and low-voltage electrical work.

(b) Fees. Permit fees shall be in accordance with the following table set out herein below: Permit fees shall be revised in accordance with a schedule approved by the Town Council by resolution in a Council meeting, and may be revised from time to time.

1. New single family residential dwelling under roof plus porch/deck and detached garage	\$400.00 plus 0.10 per sq. ft. over 1500 sq. feet
2. New Multi-family residential dwelling under roof plus porch/deck and detached garage	\$500.00 plus 0.10 per sq. ft. over 1600 sq. ft.
3. Addition and/or remodeling of residential building	\$200.00 plus \$75.00 if it includes plumbing and/or wiring.
4. Approved storage building in Residential I and II	\$100.00 plus \$75.00 if it includes plumbing and/or wiring.
5. Agriculture building in Agricultural and Planned Commercial Farm Development Districts	\$100.00 plus \$75.00 if it includes plumbing and/or wiring.
6. Commercial Building	\$500.00 plus 0.10 per sq. ft. over 1000 sq. ft.
7. Addition and/or remodeling of Commercial Building	\$400.00 plus \$75.00 if it includes plumbing and/or wiring
8. Mobile homes or Manufactured Homes moved to property	\$150.00
9. Churches, Schools, Day Care, Public Clubs	0.05 per sq. ft.
10. Swimming Pool	\$250.00
11. Temporary Power Pole Inspection	\$75.00
12. Any request that requires building inspector make a visit	\$75.00

(c) Term. Permits shall generally be good for six months from date of issuance; provided, that if the work is not completed within the initial permit term, but has been diligently pursued, the permit may be extended, without additional charge, for successive three-month terms, so long as the work continues to be diligently prosecuted.

(d) Revocation for suspension or abandonment. If work authorized by a permit is suspended or abandoned, after the initial term, for a period of 30 days, without good cause shown to the Town Clerk or his or her designated representative, the permit may be revoked upon written notification to the permit holder. Revocations of permits for abandonment are not appealable to the Town Council.

(e) State licensing required persons engaging in electrical, plumbing, mechanical, low-voltage or utility contracting on any work within the Town are required to possess a license issued by the state construction licensing industry board as a condition for performing the work; provided, however, the owner of a single-family dwelling performing work (other than utility contracting) within a dwelling occupied by him as his personal residence, shall be exempt from state licensing. Where a state license is required, every applicant for a permit shall furnish proof, at time of application, that he or the person contracted to do the work holds a valid state license in good standing. Failure to meet this requirement may be grounds for revocation of the permit.

Sec. 150.12. Written documentation; payment of fee required for issuance.

Prior to issuance of any permit, in addition to the information requested on the permit application, the Town Clerk or his designated representative may require tests, plans and specifications, plats, and other written documentation from engineers, architects, surveyors, and other professionals to assure that full compliance with all permitting requirements of the state minimum standard codes and applicable laws have been met. The following minimum information will be provided:

A. A copy of a previously recorded site plan (plat or survey) of the property showing:

1. The property lines of the lot, giving distances to the nearest one-tenth of a foot.
2. The size of the lot.
3. Names and location of all abutting streets or other rights-of-way.
4. An outline of all existing and proposed structures including the size and location.
5. The distance of those structures from all property lines.
6. Structures must be drawn by an engineered scale.
7. A tie point to a landmark such as a road intersection.
8. A north arrow sign on the survey.
9. Set-backs of the proposed building.

B. A copy of the septic tank permit issued by the Hall County Environmental Health Department. If a septic system is already on the property, an approval letter from Environmental Health will be required. The letter must not be over one year old.

C. Proof of water – One of these must be submitted.

1. A paid water meter must be submitted if served by City or County water systems.
2. A well permit issued by Environmental Health Department.
3. In the event of a private community water system, a copy of an approval letter to tie into the water system must be submitted at the time of permitting.

D. If access to the property is from a State route, then a permit from Georgia Department of Transportation must be obtained and if it is from a county route a permit from Hall County must be obtained.

E. For commercial properties, a certificate from the Hall County Fire Marshall must be Presented.

No permits shall issue on any project where the structure to be built or improved thereon is a "special hazard structure" or the use to be conducted therein is a "special hazard use", without first obtaining the approval of building plans by the state fire marshal's office. Where a project is subject to permitting under the state soil erosion and sedimentation control law, no permit shall issue for any land-disturbance activity unless approved plans are received from the district soil conservation office and all required stabilization facilities are in place, and ready for inspection. All buildings and structures intended for human occupancy shall have a safe source of drinking water and sanitary disposal; no permit shall issue for any building or structure which does not have access to public water and sewer unless plans for a well and/or septic tank have been approved by the county health department. All permits shall be conditioned upon the application and supporting data, which is deemed incorporated into and made a material part or term of the permission granted. No permit shall issue until all requisite fees have been paid in full.

#### Sec. 150.13. Cessation of work

Upon notice from the Town Clerk or his or her designated representative, work on any building, structure, system or component therein, that is being done contrary to the provisions of the state minimum standard codes, or in a dangerous or unsafe manner, or in violation of any other applicable law, rule, or regulation, shall immediately cease. Such notice shall be given in writing, directed to the owner of the property and to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency situation exists, the Town Clerk or his or her designated representative shall not be required to give a written notice prior to stopping the work.

#### Sec. 150.14. Revocation of permit for false statement or misrepresentation.

The Town Clerk or his or her designated representative may revoke a permit or approval issued under the provisions of this article in the event he or she finds there has been a false statement or misrepresentation as to any material fact in the application or plans on which the permit or approval was based. The Town Clerk or his or her designated representative may also revoke a permit upon determining that the construction, erection, alteration, repair, moving, or demolition of the building or structure for which the permit was issued is in violation of, or not in conformity with, the provisions of state minimum standard codes; provided, the work was stopped in accordance with section 150.13 and the permittee has not met the conditions for resuming the work after a reasonable period for compliance has been granted.



Sec. 150.15. Inspections right of entry

Whenever necessary to make an inspection to enforce any of the provisions of the state minimum standard codes, or whenever the Town Clerk or his or her designated representative has probable cause to believe that there exists in any building or structure or upon any premises within the Town any condition or code violation which makes such building, structure, or premises, unsafe, dangerous or hazardous, the Town Clerk or his or her designated representative, may enter such building, structure, or premises, at all reasonable times to inspect the same or to perform any duty imposed by this article; provided, if such building, structure, or premises is occupied, he or she shall first present proper credentials and request entry from the building's owner or occupant. If such building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or person having charge or control of the building, structure or premises and request entry. If entry is refused, the Town Clerk or his or her designated representative may apply to the Judge of the Municipal Court of the Town or other court of appropriate jurisdiction for an administrative search warrant.

Sec. 150.16. Service of orders, rulings, etc. appeals.

All decisions, orders and rulings of the Town Clerk or his or her designated representative shall be in writing and served upon the applicant, permit holder, owner of property affected or his agent, and, if applicable, persons in possession or occupancy of affected premises. Where such decisions cannot be personally served, service shall be made by certified mail, return receipt requested, at the party's last known address as shown on official government records. Any party aggrieved by a decision, order or ruling of the Town Clerk or his or her designated representative may seek review thereof by filing a written petition for certiorari, within 30 days, with the superior court of the county; provided, however, in any case where the Town Clerk or his or her designated representative has issued an order for the repair, closing or vacating of a building or structure on grounds it is unsafe, unsanitary or dangerous so as to constitute a public nuisance, no review may be had until the municipal court has entered its final order in the nuisance abatement proceeding.

Sec. 150.17. Variances.

In those limited circumstances where the state minimum construction codes allow a local variance based upon hardship, the Town Council may, upon finding that strict enforcement of the state minimum standard codes would do manifest injustice and would be contrary to the spirit and purpose of such codes and the public interest, grant a variance, subject to finding, in writing, all of the following:

- (1) That special conditions and circumstances exist which are peculiar to the building, structure, or system involved and which are not applicable to others similarly situated;
- (2) That the special condition and circumstances do not result from the action or inaction of the applicant;

- (3) That granting a variance will not confer on the applicant any special privileges that are denied by the codes to other buildings, structures, or service systems;
- (4) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure, or service system; and
- (5) That the grant of the variance will be in harmony with the general intent and purpose of such codes and will not be detrimental to the public health, safety and general welfare.

Applications for variance shall be advertised not less than 15 days prior to conducting an evidentiary hearing before the Town Council. Such hearing shall be informally conducted, with the applicant having the burden of proof. Each decision of the Town Council shall recite the factual findings underlying its decision and the reasons for such decision. In granting a variance, the Town Clerk may prescribe appropriate conditions and safeguards in conformity with the codes, including a reasonable time limit in which the variance is required to be commenced or completed, or both. A copy of the Town Council's written decision shall immediately be filed in its minutes of the hearing at which the variance was considered and a copy promptly served upon all affected parties. Decisions of the Town Council shall be final, subject to review by petition for certiorari to the superior court, filed within 30 days of entry of the written decision.

#### Sec. 150.18. Penalty for violation.

Any person, firm, corporation or agent who shall violate any provision of the state minimum standard codes, or the permissive codes and construction standards adopted by this ordinance, or fails to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any building, structure, electrical, gas, mechanical, or plumbing system, or has erected, constructed, altered, repaired, moved or demolished any building, structure, or system therein in violation of this ordinance shall be cited to appear before the municipal court of this Town or other court of appropriate jurisdiction. Upon trial, if convicted, such violation shall carry a fine not to exceed \$1,000.00 per day. Each and every day, or portion thereof, during which any violation of this ordinance is committed or continued shall be deemed a separate and distinct offense. Continuing violations of this ordinance are hereby further declared to be public nuisances, harmful to the public health, safety, and welfare; and, in addition to all other remedies provided by law, are subject to abatement or injunction by a court of appropriate jurisdiction.

#### Sec. 150.19. Definition of terms.

For purposes of interpretation of the state minimum standard codes, the definitions of terms found in O.C.G.A. § 8-2-20 shall control over the definitions of the same or similar terms as found in such codes or this ordinance.

Sec. 150.20. Administrative procedure.

Besides the procedures set out within this ordinance, the Mayor and Council also authorize the Town Clerk, or the Clerk's representative ("Building Official") (or the Town's representative pursuant to any intergovernmental agreement) to adopt such administrative procedure (and also may amend and modify them from time to time) as are needed for the enforcement of the state minimum standards codes. In the event of a conflict between the procedures of this ordinance and the administrative procedures, the provisions of this ordinance shall control. The current administrative procedures are attached hereto as Exhibit "A".

Sec. 150.21. Code fees.

The Town Council, from time to time as appropriate, may set by resolution in a Council meeting, such fees for application and enforcement of said codes, including but not limited to building permit fees, occupancy certificates, inspection fees and other assessments (and may require the payment of fees to third party contractors, or other governmental entities which inspection and other duties are pursuant to contract or intergovernmental agreement). The Town's current fee structure shall remain in effect until changed by the Town Council as provided herein, and shall be as set out within this ordinance.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the Town of Clermont, Georgia.

**SECTION 4. SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause or phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any Court of appropriate jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the Town Council of the Town of Clermont, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 5. EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the Town Council.

SO ORDAINED this 8 day of January, 2019.

**CLERMONT TOWN COUNCIL**

By: James E. Amy  
Mayor

[Signature]  
Councilperson

[Signature]  
Councilperson

[Signature]  
Councilperson

[Signature]  
Councilperson

[Signature]  
Councilperson

Attest:

Amy Lomax  
Amy Lomax, Town Clerk

EXHIBIT "A"  
ADMINISTRATION AND ENFORCEMENT

1. Purpose and Scope.

Sec. 1.1. Purpose.

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

Sec. 1.2 Code remedial.

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

1.2.2. 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.

1.2.3. 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 Town of Clermont, 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.

Sec. 1.3 Scope.

1.3.1. 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.

1.3.2. Building. The provisions of the International Building Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, except in one- and two-family dwellings.

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

1.3.4. Gas. The provisions of the International Fuel Gas Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code.

These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one- and two-family dwellings.

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

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

1.3.7. Fire prevention. The provisions of the International Fire Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

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

1.3.9. International Residential Code. The provisions of the International Residential Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every one- or two-family dwelling or any appurtenances connected or attached to such buildings or structures.

1.3.10. International Property Maintenance Code and the International Building Code. The provisions of these existing codes provide code enforcement personnel with the necessary tools to have dangerous and unsafe buildings repaired or demolished.

1.3.11. 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.

1.3.12. Appendices. Appendices referenced in the text of the construction codes shall be considered an integral part of the construction codes.

1.3.13. 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.

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

#### Sec. 1.4. Building Department.

There is hereby established a department to be called the Building Department and the person in charge shall be known as the Building Official. The Town Council shall establish the qualifications for the Building Official and other Code Enforcement personnel. The Town Council, by intergovernmental agreement, may utilize the Building Department, Building Official and inspectors of another governmental entity for code enforcement within the Town.

1.4.1. 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 1.5.1, 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.

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

1.4.3. Liability. Any officer or employee, or member of the Board of Adjustment and Appeals, charged with the enforcement of the construction codes, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself/herself personally liable, and is hereby relieved from all personal liability, for any damage that may

occur to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer or employee or member because of such act performed by him/her in the enforcement of any provision of the Construction codes shall be defended by the governing jurisdiction until the final termination of the proceedings.

1.4.4. Reports. The Building Official shall submit annually a report covering the work of the building department during the preceding year. He/She may incorporate in said report a summary of the decisions of the Board of Adjustment and Appeals during said year.

#### Sec. 1.5. Existing Buildings.

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

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

#### Sec. 1.6. Special Historic Buildings.

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

#### 1. Powers and Duties of the Building Official.

##### Sec. 1.7. General.

The Building Official is hereby authorized and directed to enforce the provisions of the construction codes. The Building Official is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose.

##### Sec. 1.8 Right of entry.

1.8.1. Whenever necessary to make an inspection to enforce any of the provisions of the Construction codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such



building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by these construction codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry, including receiving a warrant to allow entry issued by the municipal court of the Town or other court of appropriate jurisdiction.

1.8.2. When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to the construction codes.

#### Sec. 1.9. Stop work orders.

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

#### Sec 1.10. Revocation of permits.

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

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

#### Sec. 1.11. 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 International Existing Building Code.

Sec. 1.12. Requirements not covered by Code.

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

Sec. 1.13. Alternate materials and methods.

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

Sec. 1.14. Permit application.

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

1.14.2. 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.

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

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

1.14.5. Time limitations. An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing for the permit, unless before then a permit has been issued. One (1) or more extensions of time for periods of not more than ninety (90) days each may be allowed by the Building Official for the application provided the extension is requested in writing and justifiable cause is demonstrated.

1.14.6. Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Sec. 1.15. Building.

- (a) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet (11.15 m<sup>2</sup>).
- (b) Fences not over six (6) feet (1,829 mm) high.
- (c) Oil derricks.
- (d) Retaining walls which are not over four (4) feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- (e) Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (18,927 L) and the ratio of height to diameter or width does not exceed two (2) to one (1).
- (f) Sidewalks and driveways not more than thirty (30) inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
- (g) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (h) Temporary motion picture, television and theater stage sets and scenery.
- (i) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- (j) Swings and other playground equipment accessory to one-and two-family dwellings.
- (k) Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group II occupancies.

- (l) Movable cases, counters and partitions not over five (5) feet nine (9) inches (1,753 mm) in height.

#### Sec. 1.16. Electrical.

Repairs and maintenance. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations. The provisions of this code shall not apply to electrical equipment used for the radio and television transmissions, but does apply to equipment and wiring for power supply, the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

#### Sec. 1.17. Gas.

- (a) Portable heating appliance.
- (b) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

#### Sec. 1.18. Mechanical.

- (a) Portable heating appliance;
- (b) Portable ventilation equipment;
- (c) Portable cooling unit;
- (d) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code;
- (e) Replacement of any part which does not alter its approval or make it unsafe;
- (f) Portable evaporative cooler;
- (g) Self-contained refrigeration system containing ten (10) pound (4.54 kg) or less of refrigerant and actuated by motors of one (1) horsepower (746 W) or less.

#### Sec. 1.19. Plumbing.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes

necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided herein.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

1.19.1. Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.

1.19.2. Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps, or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any of egress, or rearrangement of parts of a structure affecting the egress or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer drainage, drain, leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

1.19.3. Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

#### Sec. 1.20. Drawings and specifications.

1.20.1. Requirements. When required by the Building Official, two (2) 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.

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

1.20.3. 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 (3) stories or more high.
3. Buildings and structures five thousand (5,000) sq. ft. (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.

Sec. 1.21. 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.

1.21.1. 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.

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

1.21.3. Hazardous occupancies. The Building Official may require the following:

1. General site plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
2. Building floor plan. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

Sec. 1.22. Examination of documents.

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

1.22.2. Affidavits. The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the construction codes. For buildings and structures the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of the construction codes as to strength, stresses, strains, loads and stability. The Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Official, copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the Construction codes. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the construction codes and other pertinent laws or ordinances.

Sec. 1.23. Issuing permits.

1.23.1. Action on permits. The Building Official shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.

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

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

1.23.4. Public right-of-way. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be

changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the Director of Public Works for the lines of the public street on which he/she proposes to build, erect or locate said building; and it shall be the duty of the Building Official to see that the street lines are not encroached upon except as provided for in the International Building Code.

Sec. 1.24. 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 applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the local government with their license number before receiving a permit for work to be performed.

Sec. 1.25. Conditions of the permit.

1.25.1. Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the construction codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the Construction codes. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. One (1) or more extensions of time, for periods not more than ninety (90) days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official.

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

1.25.3. Plans. When the Building Official issues a permit, he/she shall enforce, in writing or by stamp, both sets of plans "Reviewed for Code Compliance" One (1) set of drawings so reviewed shall be retained by the Building Official and the other set shall be



returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his/her authorized representative.

#### Sec. 1.26. Fees.

1.26.1. 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.

1.26.2. 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 one hundred (100%) percent of the usual permit fee in addition to the required permit fees.

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

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

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

#### Sec. 1.27. Inspections.

1.27.1. Existing building inspections. Before issuing a permit, the Building Official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the construction codes.

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

1.27.3. Inspection service. The Building Official may make, or cause to be made, the inspections required by Section 1.27.6. He/She may accept reports of inspectors of recognized inspection services provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

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

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

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

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.

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.

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.

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.

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 insure compliance with all the requirements of the construction codes and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Energy:

- (a) Foundation inspection: 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.

Sec. 1.28. Written release.

Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Building Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

Sec. 1.29. Reinforcing steel, structural frames, insulation, plumbing, mechanical, or electrical systems.

Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Official.

Sec. 1.30. Plaster fire protection.

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

Sec. 1.31. Intent and purpose.

- (a) The intent of this article is to provide guidelines for the uniform application of fire and building related codes to existing buildings and structures throughout the Town; to define certain terms; to provide acceptable alternative safeguards to requirements of various fire and building code provisions where strict compliance is not practical; to specify various hazardous conditions in existing buildings and structures which should not be permitted to exist; to relieve building and fire code enforcement authorities from certain liabilities when applying the provisions of this regulation; to provide for rules and

regulations; to provide construction and fire safety standards for landmark museum buildings and historic buildings; to exempt landmark museum buildings and historic buildings from certain laws and regulations; to provide for other matters relative thereto; to provide an effective date; to repeal conflicting laws; and for other purposes.

(b) It is a purpose of this regulation to encourage the sensitive rehabilitation, restoration, stabilization, or preservation of existing buildings throughout the Town and to encourage the preservation of buildings and structures deemed to be historic in total or in part; provided, however, such rehabilitation and preservation efforts should provide for the upgrading of the safety features of the building or structure to provide a practical level of safety to the public and surrounding property. It is the further purpose of this regulation to provide guidance regarding acceptable alternative solutions and to stimulate enforcement authorities to utilize alternative compliance concepts wherever practical to permit the continued use of existing buildings and structures without overly restrictive financial burdens on owners or occupants.

(c) The provisions of this regulation shall not be applicable to new construction, except as specifically provided in this regulation.

#### Sec. 1.32. Definitions.

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

Building system means any utility, mechanical, electrical, structural, egress, or fire protection/safety system.

Enforcement authority means the fire chief or building official, as appropriate.

Existing building or structure means any completed building or structure which has been placed in service for a minimum of five years.

Historic building means any building so designated by the state historic preservation officer as individually significant or as contributing to the historic character of a historic district, pursuant to the rules and regulations adopted by the board of natural resources or as so designated pursuant to the provisions of the Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et seq.

Landmark museum building means a historic building or structure used as an exhibit of the building or structure itself and which exhibits a high degree of architectural integrity and which is open to the public not less than 12 days per year; however, additional uses, original or ancillary, to the use as a museum shall be permitted within the same building subject to the provisions of O.C.G.A. § 25-2-13(b)(3). Landmark museum buildings shall be so designated by the state historic preservation officer pursuant to rules and regulations adopted by the board of natural resources.

Sec. 1.33. Jurisdiction.

Where an existing building or structure falls within the jurisdiction of both state and local enforcement authorities, the final review of any part of the project which is under the jurisdiction of both such enforcement authorities shall rest with the state authority; provided, however, the local fire and building authorities shall agree in writing with any compliance alternatives before such can be approved by the state authority.

Sec. 1.34. Conditions for use or occupancy.

The provisions of this article authorize the enforcement authority to permit the repair, alteration, addition, or change of use or occupancy of existing buildings without total compliance with any rule, regulation, code, or standard for new construction requirements under the following general conditions:

- (1) All noted conditions hazardous to life, based on the provisions of applicable state and local standards or codes for existing buildings, and outlined in Section 1.35, shall be corrected to a reasonable and realistic degree as set forth in this article;
- (2) The existing building becomes the minimum performance standard; and
- (3) The degree of compliance of the building after changes must not be below that existing before the changes. Nothing in this regulation will require nor prohibit compliance with requirements more stringent than those provided in this article.

Sec. 1.35. Hazardous conditions.

With reference to existing buildings, authorized enforcement authorities should assure that any of the conditions or defects described in this section are identified and corrected as deemed appropriate by the enforcement authority having jurisdiction and through the utilization of appropriate compliance alternatives:

- (1) Structural. Any building or structure or portion thereof which is in imminent danger of collapse because of but not limited to the following factors:
  - a. Dilapidation, deterioration, or decay;
  - b. Faulty structural design or construction;
  - c. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; or
  - d. The deterioration, decay, or inadequacy of the foundation;

- (2) Number of exits. Less than two approved independent, remote, and properly protected exitways serving every story of a building, except where a single exitway is permitted by the applicable state or local fire or building code or life safety code;
- (3) Capacity of exits. Any required door, aisle, passageway, stairway, or other required means of egress which is not of sufficient capacity to provide for the population of the portions of the building served and which is not so arranged as to provide safe and adequate means of egress to a place of safety; and
- (4) Mechanical systems. Utilities and mechanical systems not in conformance with the codes in effect at the time of construction of a building which create a serious threat of fire or threaten the safety of the occupants of the building.

#### Sec. 1.36. Additions.

Additions to an existing building shall comply with the applicable requirements of state and local laws, rules, regulations, codes, and standards for new construction. Such additions shall not impose loads, either vertically or horizontally, which would cause the existing building to be subjected to stresses exceeding those permitted under new construction. If the existing building does not comply with the standards provided in this article and the authorized enforcement authority finds that the addition adversely affects the performance of the total building, the authorized enforcement authority may require:

- (1) The new addition to be separated from the existing structure by at least a two-hour fire wall with openings therein properly protected;
- (2) The installation of an approved automatic fire suppression system; or
- (3) Other remedies which may be deemed appropriate by the enforcement authority.

#### Sec. 1.37. Minor alterations and new mechanical systems.

Minor alterations or repairs to an existing building which do not adversely affect the performance or safety of the building may be made with the same or like materials. Existing buildings which, in part or as a whole, exceed the requirements of any applicable construction or fire safety code may, in the course of compliance with this article, have reduced or removed, in part or total, features not required by such code for new construction; provided, however, that such features were not a condition of prior approval. Existing buildings and structures which, in part or as a whole, do not meet the requirements of the applicable code for new construction may be altered or repaired without further compliance to any such code by utilizing the provisions of this article, provided their present degree of compliance to any applicable construction or fire safety code is not reduced. Any new mechanical systems installed in an existing building shall conform to applicable codes for new construction to the fullest extent practical as approved by the authorized enforcement authorities.

Sec. 1.38. Continued use.

The legal use and occupancy of any building or structure may be continued without change, except as may be provided otherwise by this article or as may be legally provided for by any applicable state or local, ordinance, rule, regulation, code, or standard.

Sec. 1.39. Change in use.

(a) A total change in the use or occupancy of an existing building which would cause a greater hazard to the public shall not be made unless such building is made to comply with the requirements of the applicable state and local rules, regulations, codes, and standards for the new use or occupancy; provided, however, the compliance alternative provisions of this article may be utilized by authorized enforcement authorities where total or strict compliance with applicable state or local rules, regulations, codes, or standards is not practical.

(b) When the proposed use is of equal or lesser hazard as determined by an authorized enforcement authority, further compliance with any code for new construction is not required unless otherwise provided in this article. Alterations or repairs to an existing building or structure which do not adversely affect the performance of the building may be made with like materials. Any proposed change to the existing building or change in type of contents of the existing building shall not increase the fire hazard to adjacent buildings or structures. If the fire hazard to adjacent buildings or structures is increased, then requirements of applicable construction or fire safety codes for exterior walls shall apply.

(c) Sprinkler systems shall be required in accordance with NFPA 13-D or NFPA 13-R standards in one-family, two-family, and multifamily residences, group dwellings and boardinghouses, as defined in the zoning ordinance.

Sec. 1.40. Change in use of a portion of a building.

(a) If a portion of a building is changed to a new use or occupancy and that portion is separated from the remainder of the building with vertical or horizontal fire separations complying with applicable state or local rules, regulations, codes, or standards or with compliance alternatives, then the portion changed shall be made to comply to the applicable requirements for the new use or occupancy to the extent noted in Section 1.39.

(b) If a portion of the building is changed to a new use or occupancy and that portion is not separated from the remainder of the building as noted in subsection (a) of this section, then the provisions of the applicable state and local rules, regulations, codes, and standards applying to each use or occupancy of the building shall apply to the entire building to the extent noted in section 1.39; provided, however, if there are conflicting provisions in requirements for the various uses or occupancies, the authorized enforcement authority shall apply the strictest requirements.



- (c) Sprinkler systems shall be required in accordance with NFPA 13-D and NFPA 13-R standards in one-family, two-family, and multifamily residences, group dwellings or boardinghouses, as defined in the zoning ordinance.

Sec. 1.41. Floor loading.

Any proposed change in the use or occupancy of an existing building or portion thereof which could increase the floor loading should be investigated by a state registered professional engineer to determine the adequacy of the existing floor system to support the increased loads. If the existing floor system is found to be inadequate, it should be modified to support the increased loads or the proposed allowable floor loading shall be reduced by and posted by the appropriate enforcement authority.

Sec. 1.42. Documentation.

Whenever action is taken on any existing building to repair, make alterations, or change the use or occupancy of an existing structure and, when such action proposes the use of compliance alternatives, the authorized enforcement authority shall ensure that at least one copy of the accepted compliance alternatives approved, including applicable plans, test data, or other data submitted for evaluation, be maintained on file in the office of the local enforcement authority. If the structure also falls under the jurisdiction of a state level enforcement authority, at least one copy of such material shall be maintained on file with that authority.

Sec. 1.43. Compliance alternatives.

Subsections (1) through (5) of this section contain generally acceptable compliance alternatives illustrating principles which shall be applied to the rehabilitation of existing buildings by enforcement authorities in the Town. It is recognized for purposes of this article that all building systems interact with each other; therefore, any consideration of compliance alternatives should take into account all existing and proposed conditions to determine their acceptability. The compliance alternatives are not all-inclusive and do not preclude consideration and approval of other alternatives by any enforcement authority.

- (I) Compliance alternatives for an inadequate number of exits include but are not limited to the following:
  - a. Provide connecting fire exit balconies acceptable to the enforcement authority between buildings;
  - b. Provide alternate exit or egress facilities leading to safety outside the building or to a place of safe refuge in the building or an adjoining building as acceptable to the enforcement authority;
  - c. Provide an exterior fire escape as acceptable to the enforcement authority where the providing of enclosed interior or enclosed exterior stairs is not practical; or

- d. Install early fire warning and fire suppression systems (monitored alarm system, sprinklers or as defined by life safety codes).
- (2) Compliance alternatives for excessive travel distances to an approved exit include but are not limited to the following:
- a. Install an approved smoke detection system throughout the building;
  - b. Install an approved complete automatic fire suppression system;
  - c. Subdivide the exit travel route with smoke-stop doors acceptable to the enforcement authority;
  - d. Increase the fire resistance rating of corridor walls and doors as defined by the enforcement authority; or
  - e. Provide additional approved means of escape.
- (3) Compliance alternatives for unenclosed or improperly enclosed exit stairways or vertical shafts include but are not limited to the following:
- a. Improve enclosure of exit stairway;
  - b. Add a partial fire suppression system;
  - c. Add a sprinkler draft curtain; or
  - d. Add a monitored smoke detection system.
- (4) Compliance alternatives for inadequate or a total lack of fire partitions or fire separation walls shall be as set forth in subsection (3).
- (5) Compliance alternatives for a lack of required protection of openings in exterior walls where a fire exposure is a risk include but are not limited to the following:
- a. Improve fire resistance of existing openings and protect them with fire-rated windows or doors as appropriate;
  - b. Seal the openings with fire-rated construction as approved by the enforcement authority; or
  - c. Install an approved fire suppression system.

Sec. 1.44. Appeals.

Should a party not agree with a decision of the enforcement authority or should an enforcement authority desire a ruling, an appeal may be made as permitted by the rules of the Town.

Sec. 1.45. Landmark museum buildings.

- (a) The provisions of this section relating to landmark museum buildings shall apply only to those portions of such buildings which meet all the requirements of a landmark museum building, except as otherwise provided in subsections (b) and (c) of this section. Subsections (b) and (c) of this section shall, unless otherwise provided in such subsections, preempt all laws, regulations, or rules governing reconstruction, alteration, repair, or maintenance of landmark museum buildings.
- (b) A landmark museum building shall be subject to the following provisions:
  - (1) Repairs, maintenance, and restoration shall be allowed without conformity to any building or fire safety related code, standard, rule, or regulation, provided the building is brought into and remains in full compliance with this section.
  - (2) In the case of fire or other casualty to a landmark museum building, it may be rebuilt, in total or in part, using such techniques and materials as are necessary to restore it to the condition prior to the fire or casualty and use as a totally preserved building.
  - (3) If a historic building or structure, as a result of proposed work or changes in use, would become eligible and would be so certified as a landmark museum building, and the state historic preservation officer so certifies and such is submitted to the local fire and building code official with the construction or building permit application, then the work may proceed under the provisions of this section.
- (c) All landmark museum buildings shall comply with the following requirements:
  - (1) Every landmark museum building shall have portable fire extinguishers as deemed appropriate by the local fire authority having jurisdiction based on the applicable state or local fire safety codes or regulations.
  - (2) All landmark museum buildings which contain residential units shall have electrically powered smoke or products of combustion detectors installed within each living unit between living and sleeping areas. Such detectors shall be continuously powered by the building's electrical system. When activated, the detector shall initiate an alarm which is audible in sleeping rooms of that living unit. These unit detectors shall be required in addition to any other protective system that may be installed in the building.
  - (3) For all landmark museum buildings, except those protected by a total automatic fire suppression system and one- and two-family dwellings, approved automatic fire

warning protection shall be provided by installing at least one listed smoke or products of combustion detector for every 1,200 square feet of floor area per floor or story. In addition, all lobbies, common corridors, hallways, and ways of exit access shall be provided with listed smoke or products of combustion detectors not more than 30 feet apart. Detectors shall be so connected as to sound an alarm audible throughout the structure or building. With respect to buildings which are totally protected by an automatic fire suppression system, activation of the sprinkler system shall sound an alarm throughout the structure or building.

- (4) Smoke or products of combustion detectors shall be listed by a nationally recognized testing laboratory.
- (5) All multistory landmark museum buildings, except one- and two-family dwellings, with occupancy above or below the street or grade level, shall have manual fire alarm pull stations in the natural path of egress. The activation of a manual pull station shall cause the building fire warning system to sound.
- (6) Approved exit signs shall be located where designated by the authority having jurisdiction in accordance with the applicable code, standard, rule, or regulation.
- (7) Except for one- and two-family dwellings, every landmark museum building occupied after daylight or which has occupied areas subject to being totally darkened during daylight hours due to a power failure or failure of the electrical system, shall be equipped with approved emergency lighting meeting the provisions of the applicable code, standard, rule, or regulation.
- (8) Occupant loading of landmark museum buildings or structures shall be limited by either the actual structural floor load capacity or by the limitations of means of egress or by a combination of factors. Actual floor load capacity shall be determined by a state registered professional engineer. The floor load shall be posted at a conspicuous location. The building owner shall submit evidence of this certification and related computations to the enforcement authority having jurisdiction upon request. Where one or more floors of a landmark museum building have only one means of egress, the occupant load shall be computed and occupancy limited as determined by the fire marshal.
- (9) The electrical, heating, and mechanical systems of landmark museum buildings shall be inspected, and any conditions that create a threat of fire or a threat to life shall be corrected in accordance with applicable standards to the extent deemed necessary by the authority having jurisdiction.

#### Sec. 1.46. Historic buildings.

- (a) Historic buildings not classified as landmark museum buildings shall meet the requirements of applicable building and fire safety laws, ordinances, codes, standards, rules, or regulations as they pertain to existing buildings. If a historic building or

structure is damaged from fire or other casualty, it may be restored to the condition prior to the fire or casualty using techniques and methods consistent with its original construction or it shall meet the requirements for new construction of the applicable codes, standards, rules, or regulations, provided these requirements do not significantly compromise the features for which the building was considered historically significant.

(b) As to any buildings or structures in the Town which have been designated as historic buildings or structures by the state historic preservation officer, the appropriate enforcement authority, in granting or denying a variance, shall consider the intent of this article, with special attention to section 1.46 of this article, the Uniform Act for the Application of Buildings and Fire Related Codes to Existing Buildings (O.C.G.A. § 8-2-200 et seq.), the Georgia Historic Preservation Act (O.C.G.A. § 44-10-20 et seq.) and the Secretary of Interior's Standards for Preservation Projects.