

ORDINANCE
ADOPTING ADMINISTRATIVE PROCEDURES FOR THE ENFORCEMENT
OF
STATE MINIMUM STANDARD CODES

AN ORDINANCE TO ADOPT ENFORCEMENT PROCEDURES RELATING TO BUILDING PERMITTING AND INSPECTION ACTIVITIES OF LOWNDES COUNTY

WHEREAS, it is the desire of Board of Commissioners of Lowndes County to enforce, in all respects, the state minimum standard codes enumerated in OCGA § 8-2-20(9)(B)(i)(I)-(VIII), as adopted, revised, and amended by the Georgia Department of Community Affairs pursuant to OCGA § 8-2-23(a), and any new editions thereof adopted by the Georgia Department of Community Affairs pursuant to OCGA § 8-2-23(b), including appendices as provided by OCGA § 8-2-21(1); and

WHEREAS, it is also the desire of Board of Commissioners of Lowndes County to enforce, in all respects, the state minimum standard codes enumerated in OCGA § 8-2-20(9)(B)(i)(IX)-(XI), as adopted, revised, and amended by the Georgia Department of Community Affairs pursuant to OCGA § 8-2-23(a), and any new editions thereof adopted by the Georgia Department of Community Affairs pursuant to OCGA § 8-2-23(b), including appendices as provided by OCGA § 8-2-21(1), and further adopted by the Board of Commissioners of Lowndes County; and

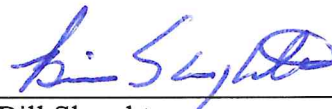
WHEREAS, OCGA § 8-2-26(a) provides the governing body of any county shall have the power to adopt by ordinance or resolution reasonable provisions for the enforcement of the state minimum standard codes as set forth in OCGA § 8-2-26(a);

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Lowndes County that the Administrative Procedures attached hereto as Attachment A are adopted for the enforcement of the state minimum standard codes in Lowndes County.

All ordinances and resolutions or parts of ordinances and resolutions in conflict with this Ordinance are hereby repealed.

This Ordinance shall become effective immediately upon execution.

ORDAINED, this 25th day of July, 2023.



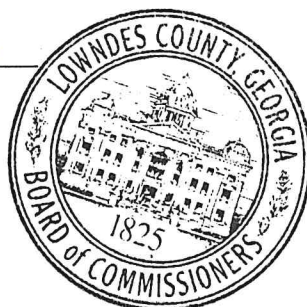
Bill Slaughter
Chairman

Attest:



Belinda C. Lovern
Clerk

(AFFIX COUNTY SEAL)



**ATTACHMENT A
ADMINISTRATION &
ENFORCEMENT**

1. DEFINITIONS

1.1 DEFINITIONS

When used in this Ordinance, the following capitalized terms shall have the following meanings unless the context clearly indicates otherwise:

“Board” shall mean the Construction Board of Adjustments and Appeals established pursuant to Article Six.

“Building Official” as used herein shall mean the Assistant Director of Permitting and Inspections, who shall be the Building Official as the term may be used in the Construction Codes. References herein to the Building Official shall include employees of the Governing Authority whom the Building Official supervises where the context implies, warrants, or necessitates.

“Construction Codes” shall mean:

(i) the state minimum standard codes enumerated in OCGA § 8-2-20 (9)(B)(i)(I)-(VIII), as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new editions thereof adopted by the Georgia Department of Community Affairs, including appendices as provided by OCGA § 8-2-21(1), and

(ii) the state minimum standard codes enumerated in OCGA § 8-2-20 (9)(B)(i)(IX)-(XI) as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new editions thereof adopted by the Georgia Department of Community Affairs, including appendices as provided by OCGA § 8-2-21(1), and further adopted by the Governing Authority.

References herein to a specific Construction Code are to the specific state minimum standard code as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new edition thereof adopted by the Georgia Department of Community Affairs, including appendices as provided by OCGA § 8-2-21(1), and as applicable, further adopted by the Governing Authority.

“Department” shall mean the Lowndes County Department of Permitting and Inspections as established by Board of Commissioners of Lowndes County.

“Governing Authority” shall mean the Board of Commissioners of Lowndes County.

“ICC” shall mean the International Code Council.

“NFPA” shall mean the National Fire Protection Association.

1.2 REFERENCES

Unless the context clearly indicates otherwise, references in this Ordinance to an Article or Section shall mean the specified Article or Section of this Ordinance. Words of any gender or the neuter used in this Ordinance shall be deemed to include the other gender or the neuter and words in the singular shall be deemed to include the plural and the plural to include the singular when the context so requires.

2. PURPOSE AND SCOPE

2.1 PURPOSE

The purpose of this Ordinance is to provide for the administration and enforcement of the Construction Codes.

2.2 CODE REMEDIAL

2.2.1 GENERAL. The 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.

2.2.2 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.

2.2.3 PERMITTING AND INSPECTION. The permitting or inspecting of any building, system or plan, under the requirements of the Construction Codes shall not be construed in any court as a warranty of the physical condition of such building, system, or plan or their adequacy. Neither Lowndes County, nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such permitting or inspection.

2.3 SCOPE

2.3.1 APPLICABILITY.

2.3.1.1 GENERAL. Where, in any specific case, different sections of the 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.

2.3.1.2 BUILDING. The provisions of the International Building Code (ICC), as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new edition thereof adopted 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.

2.3.1.3 ELECTRICAL. The provisions of the National Electrical Code (NFPA), as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new edition thereof adopted 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.

2.3.1.4 GAS. The provisions of the International Fuel Gas Code (ICC), as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new edition thereof adopted by the Georgia Department of Community Affairs, shall apply to the installation of consumer's gas piping, fuel gas appliances, gaseous hydrogen systems 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.

2.3.1.5 MECHANICAL. The provisions of the International Mechanical Code (ICC), as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new edition thereof adopted by the Georgia Department of Community Affairs, shall apply to the installation, maintenance, alteration and inspection of mechanical systems, system components, equipment and appliances specifically addressed in this Code. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code (ICC), except in one- and two-family dwellings.

2.3.1.6 PLUMBING. The provisions of the International Plumbing Code (ICC), as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new edition thereof adopted by the Georgia Department of Community Affairs, shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction.

2.3.1.7 FIRE PREVENTION. The provisions of the International Fire Code (ICC), as adopted, revised, amended by the Georgia Department of Community Affairs, and any new edition thereof adopted by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, and maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

2.3.1.8 ENERGY. The provisions of the International Energy Conservation Code (ICC), as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new edition thereof adopted 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.

2.3.1.9 RESIDENTIAL ONE- AND TWO-FAMILY DWELLINGS. The provisions of the International Residential Code for One- and Two-Family Dwellings (ICC), as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new edition thereof adopted by the Georgia Department of Community Affairs, shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every one- and two-family dwelling or appurtenances connected or attached to such buildings or structures.

2.3.1.10 INTERNATIONAL PROPERTY MAINTENANCE CODE. The provisions of the International Property Maintenance Code (ICC), as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new edition thereof adopted by the Georgia Department of Community Affairs, and further adopted by the Governing Authority, shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from the occupancy of existing structures and premises, and for administration, enforcement and penalties.

2.3.1.11 INTERNATIONAL EXISTING BUILDING CODE. The provisions of the International Existing Building Code (ICC), as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new edition thereof adopted by the Georgia Department of Community Affairs, and further adopted by the Governing Authority, shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings.

2.3.1.12 INTERNATIONAL SWIMMING POOL AND SPA CODE. The provisions of the International Swimming Pool and Spa Code (ICC), as adopted, revised, and amended by the Georgia Department of Community Affairs, and any new edition thereof adopted by the Georgia Department of Community Affairs, and further adopted by the Governing Authority, shall apply to the construction, alteration, enlargement, repair, equipment, use and occupancy, location, maintenance, and removal and demolition of swimming pools and spas.

2.3.2 FEDERAL AND STATE AUTHORITY. The provisions of the Construction Codes shall not be held to deprive any Federal or State agency, or the Governing Authority, 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 they deprive any

individual or corporation of its legal rights as provided by law.

2.3.3 APPENDICES. Appendices referenced in the text of the Construction Codes shall be considered an integral part of the Construction Codes.

2.3.4 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.

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

2.4 DEPARTMENT OF PERMITTING AND INSPECTIONS

2.4.1 THE DEPARTMENT. There is hereby established a department of Lowndes County to be called the Department of Permitting.

2.4.2 RESTRICTIONS ON EMPLOYEES. An officer or employee connected with the Department shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with his duties or conflict with the interests of the Department.

2.4.3 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.

2.4.4 LIABILITY. Any officer or employee, or member of the Board, charged with the enforcement of the Construction Codes, acting for the Governing Authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of the Construction Codes shall be defended by the Governing Authority until the final termination of the proceedings.

2.4.5 REPORTS. The Building Official shall submit annually a report covering the work of the Department during the preceding year. He may incorporate in said report a summary of the

decisions of the Board during said year.

2.5 EXISTING BUILDINGS

2.5.2 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.

2.5.2 CHANGE OF OCCUPANCY. If the occupancy classification of any existing building or structure is changed, the building, and electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the Construction Codes as required by the Building Official.

2.6 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.

3. POWERS AND DUTIES OF THE BUILDING OFFICIAL

3.1 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 the intent and purpose of the Construction Codes.

3.2 RIGHT OF ENTRY

3.2.1 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, or 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 the 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.

3.2.2 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.

3.3 STOP WORK ORDERS

Upon notice from the Building Official, work on any building, structure, or 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. The Building Official may post such notice on or at the subject building, structure, or premises, which shall be notice given to the owner of the property, any agent of the owner, and the person doing the work. The removal of such notice from the subject building, structure, or premises shall be a violation of this Ordinance. Where an emergency exists, the Building Official shall not be required to give written notice prior to stopping the work.

3.4 REVOCATION OF PERMITS

3.4.1 MISREPRESENTATION OF APPLICATION. The Building Official may revoke a permit or approval, issued under the provisions of the Construction Codes, in any case in which 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.

3.4.2 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, or 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.

3.5 DISCONTINUANCE OF SERVICE FOR VIOLATIONS

3.5.1 WITHHOLDING SERVICES. The Building Official may request the appropriate department head to withhold services, such as water, garbage collection, sewer services or any other service of similar nature rendered by the Governing Authority in which the property lies, from any property on which any structure, house or building is being erected or maintained in violation of the Construction Codes, or in violation of any other law or ordinance of the Governing Authority pertaining to health, safety or morals.

3.5.2 NOTIFICATIONS. The Building Official shall notify the person in charge or in possession of such property, or the owner thereof, of the violations and shall fix a reasonable time for the correction of such violations. If the violations continue after the expiration of such given time, the Building Official is authorized to request the appropriate department head to disconnect the water and sewer lines and discontinue all services as long as such violations continue. Any person interfering with the Building Official or the agents or employees of the Governing Authority in disconnecting the water line or in the performance of their duties shall be guilty of an offense under this Ordinance and subject to punishment as provided by Article Eight of this Ordinance. In emergency situations that constitute and immediate hazard to life or property, advance notice to the person in charge or in possession of such property, or the owner thereof, shall not be required if impracticable, but such individual or entity shall be notified in writing as soon as practicable thereafter.

3.5.3 NOTIFICATION UTILITIES. The Building Official may also request, in writing, all public utility corporations and cooperatives to discontinue or refuse services to a property located within the territorial limits of a Governing Authority and maintained in violation of the Governing Authority's laws or ordinances, and such public utility corporations and cooperatives, after the time fixed by the Building Official, shall not render any services to such property.

3.6 REQUIREMENTS NOT COVERED BY CODE

Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, or 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.

3.7 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.

4. PERMITS

4.1 PERMIT APPLICATION

4.1.1 WHEN REQUIRED. Any owner, or owner's 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.

4.1.1.1 RESIDENTIAL ONE- AND TWO- FAMILY DWELLINGS EXCEPTION:
Permits shall not be required for the following:

4.1.1.1.1 BUILDING

- (a) One-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²)
- (b) Fences not over 7 feet (2,134 mm) high
- (c) Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge
- (d) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18.927 L) and the ratio of height to diameter or width does not exceed 2:1
- (e) Sidewalks and driveways
- (f) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work
- (g) Prefabricated swimming pools that are less than 24 inches (610 mm) deep
- (h) Swings and other playground equipment
- (i) Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support
- (j) Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4 of the International Residential Code for One- and Two-Family Dwellings

4.1.1.1.2 ELECTRICAL

- (a) Listed cord-and-plug connected temporary decorative lighting
- (b) Reinstallation of attachment plug receptables but not the outlets therefor
- (c) Replacement of branch circuit overcurrent devices of the required capacity in the same location.
- (d) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy
- (e) Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles

4.1.1.1.3 GAS

- (a) Portable heating, cooking or clothes drying appliances
- (b) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe
- (c) Portable fuel cell appliances that are not connected to a fixed piping system

and are not interconnected to the power grid

4.1.1.1.4 MECHANICAL

- (a) Portable heating appliances
- (b) Portable ventilation appliances
- (c) Portable cooling units
- (d) Steam, hot or chilled water piping within any heating or cooling equipment regulated by the International Mechanical Code
- (e) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe
- (f) Portable evaporative coolers
- (g) Self-contained refrigeration systems containing 10 pounds (4.5 kg) or less refrigerant or that are actuated by motors of 1 horsepower (0.75 kw) or less
- (h) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid

4.1.1.1.5 PLUMBING

- (a) The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the International Plumbing Code
- (b) 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

4.1.1.2 ALL OTHER OCCUPANCIES EXCEPTION: Permits shall not be required for the following:

4.1.1.2.1 BUILDING

- (a) One-story detached accessory structures, provided that the floor area does not exceed 120 square feet (18.58 m²)
- (b) Fences not over 7 feet (2,134 mm) high
- (c) Oil derricks
- (d) Retaining walls that are not over 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 IIIA liquids
- (e) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18.927 L) and the ratio of height to diameter or width does not exceed 2:1
- (f) Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and 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) Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18.925 L) and are installed entirely above ground
 - (j) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems
 - (k) Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support. In R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support
 - (l) Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height

4.1.1.2.2 ELECTRICAL

- (a) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles
- (b) Radio and television transmitting stations: The provisions of the National Electrical Code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas
- (c) Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

4.1.1.2.3 GAS

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

4.1.1.2.4 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 the Construction Codes
- (e) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe
- (f) Portable evaporative coolers
- (g) Self-contained refrigeration systems containing 10 pounds (4.5 kg) or less

refrigerant or that are actuated by motors of 1 horsepower (0.75 kw) or less

4.1.1.2.5 PLUMBING

- (a) The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the International Plumbing Code
- (b) 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

4.1.2 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.

4.1.3 WORK WITHOUT A PERMIT. The performance of any work for which this Ordinance requires a permit without obtaining a permit pursuant to this Ordinance to perform such work shall be a violation of this Ordinance subject to punishment as provided in Article Eight of this Ordinance.

4.1.4 FAILURE TO COMPLY WITH AFFIDAVIT. The failure of any person to comply with any representation or agreement made in any affidavit provided for purposes of obtaining a permit pursuant to this Ordinance shall be a violation of this Ordinance subject to punishment as provided in Article Eight of this Ordinance.

4.1.5 HIRING UNLICENSED PERSONS. Hiring a person to perform any work for which this Ordinance requires a permit who is not licensed to perform such work shall be a violation of this Ordinance subject to punishment as provided in Article Eight of this Ordinance.

4.1.6 WORK BY UNLICENSED PERSONS. The performance of any work for which this Ordinance requires a permit by any person who is not licensed by the State to perform such work shall be a violation of this Ordinance subject to punishment as provided in Article Eight of this Ordinance.

4.1.7 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. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of 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 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.

4.1.8 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.

4.1.9 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 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.

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

4.2 DRAWINGS AND SPECIFICATIONS

4.2.1 REQUIREMENTS. When required by the Building Official, two or more copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the Construction Codes. Such information shall be specific, and the Construction Codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications, and accompanying data shall bear the name and signature of the person responsible for the design.

4.2.2 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 his official seal.

4.2.3 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:

- (a) All Group A, E, and I occupancies as set forth in the International Building Code.
- (b) Buildings and structures three stories or more high.

- (c) Buildings and structures 5,000 sq. ft. (465 m²) or more in area.

Plans marked “Not for Construction” will NOT be accepted for permit review. For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

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

4.2.4 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.

4.2.5 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.

4.2.6 HAZARDOUS OCCUPANCIES. The Building Official may require the following:

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

4.3 EXAMINATION OF DOCUMENTS

4.3.1 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.

4.3.2 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.

4.4 ISSUING PERMITS

4.4.1 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.

4.4.2 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.

4.4.3 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 or that corrections will not be required in order to meet provisions of the Construction Codes.

4.4.4 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 road, 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 Engineering Services or Director of Public Works, as applicable, for the lines of the public road on which he proposes to build, erect or locate said building.

4.5 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 Governing Authority may have adopted. In such case that the state requires a contractor to have obtained a state license before he is permitted to perform work, the contractor shall supply the local government with his license number before receiving a permit for work to be performed.

4.6 CONDITIONS OF THE PERMIT

4.6.1 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 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official.

4.6.2 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, he 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.

4.6.3 PLANS. When the Building Official issues a permit, he shall enforce, in writing or by stamp, both sets of plans "Reviewed for Code Compliance." One set of drawings so reviewed shall be retained by the Building Official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his authorized representative.

4.7 FEES

4.7.1 PRESCRIBED FEES. A permit shall not be issued until the fees prescribed by the Governing Authority 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, gas, or other systems has been paid.

4.7.2 WORK COMMENCING BEFORE PERMIT ISSUANCE. Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing, or other system before obtaining the necessary permits, shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

4.7.3 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.

4.7.4 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.

4.7.5 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.

4.8 INSPECTIONS

4.8.1 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.

4.8.2 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.

4.8.3 INSPECTION SERVICE. The Building Official may make, or cause to be made, the inspections required by section 4.8.6 hereof. He may accept reports of inspectors of recognized inspection services provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the Construction Codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

4.8.4 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.

4.8.5 POSTING OF PERMIT. Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building Official or representative to conveniently make 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.

4.8.6 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 Construction Codes:

4.8.6.1 BUILDING

- (a) Foundation Inspection: To be made after trenches are excavated and forms erected.
- (b) Frame Inspection: To be made after the roof, all framing, fireblocking and bracing are in place, and all concealing wiring, all pipes, chimneys, ducts and vents are complete.
- (c) Insulation Inspection. To be made after the Frame Inspection but before any floor, wall or ceiling cover is installed.
- (d) Final Inspection: To be made after the building is completed and ready for occupancy.

4.8.6.2 ELECTRICAL

- (a) Underground Inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
- (b) Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing are 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.

4.8.6.3 PLUMBING

- (a) **Underground Inspection:** To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
- (b) **Rough-In Inspection:** To be made after the roof, framing, fireblocking and bracing are 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 International Plumbing Code for required tests.

4.8.6.4 MECHANICAL

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

4.8.6.5 GAS

- (a) **Rough Piping Inspection:** To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
- (b) **Final Piping Inspection:** To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
- (c) **Final Inspection:** To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to ensure compliance with all the requirements of the Construction Codes and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

4.8.7 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.

4.8.8 REINFORCING STEEL, STRUCTURAL FRAMES, INSULATION, PLUMBING, MECHANICAL, OR ELECTRICAL SYSTEMS. Reinforcing steel, structural frame, insulation, plumbing, mechanical, or electrical systems work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Official.

4.8.9 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.

4.9 CERTIFICATES

4.9.1 CERTIFICATE OF OCCUPANCY.

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

4.9.1.2 ISSUING CERTIFICATE OF OCCUPANCY. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the Construction Codes, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a Certificate of Occupancy that contains the following:

- (a) The building permit number
- (b) The address of the structure
- (c) The name and address of the owner or the owner's authorized agent
- (d) A description of that portion of the structure for which the certificate is issued
- (e) A statement that the described portion of the structure has been inspected for compliance with the requirements of this Ordinance for the occupancy and division of occupancy and the use for which the proposed occupancy is classified
- (f) The name of the Building Official

- (g) The edition of each applicable Construction Code under which the permit was issued
- (h) The use and occupancy in accordance with the provisions of the International Building Code or the International Residential Code for One- and Two-Family Dwellings, as applicable
- (i) The type of construction as defined in the International Building Code or the International Residential Code for One- and Two-Family Dwellings, as applicable
- (j) The design occupant load and any impact the alteration has on the design occupant load of the area not within the scope of the work
- (k) If fire protection systems are provided, whether the fire protection systems are required
- (l) Any special stipulations and conditions of the building permit

4.9.1.3 TEMPORARY/PARTIAL OCCUPANCY. A temporary/partial certificate of occupancy may be issued for a portion of a building, which may safely be occupied prior to final completion of the building.

4.9.1.4 EXISTING BUILDING CERTIFICATE OF OCCUPANCY. A Certificate of Occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the Construction Codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the Construction Codes and other applicable laws and ordinances for such occupancy, a Certificate of Occupancy shall be issued.

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

4.9.3 SERVICE UTILITIES.

4.9.3.1 CONNECTION OF SERVICE UTILITIES. No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the Construction Codes for which a permit is required, until released by the Building Official and a Certificate of Occupancy or Completion is issued.

4.9.3.2 TEMPORARY CONNECTION. The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.

4.9.3.3 AUTHORITY TO DISCONNECT SERVICE UTILITIES. The Building Official shall have the power to authorize disconnection of utility service to the building, structure or system regulated by the Construction Codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

4.10 POSTING FLOOR LOADS

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

4.10.2 STORAGE AND FACTORY-INDUSTRIAL OCCUPANCIES. It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies as set forth in the International Building Code, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Building Department.

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

5. TESTS

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

6. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

6.1 APPOINTMENT

There is hereby established a Board to be called the Construction Board of Adjustment and

Appeals (the “Board”), which shall consist of seven members and two alternates plus one non-voting ex-officio member as provided herein, all of whom shall be residents of Lowndes County.

6.2 MEMBERSHIP AND TERMS

6.2.1 MEMBERSHIP. The Board shall consist of seven members. Such Board members shall be composed of individuals with knowledge and experience in the Construction Codes, such as design professionals, contractors or building industry representatives. The Governing Authority shall appoint 7 members, one of whom shall be from the plumbing industry, one of whom shall be a professional engineer, one of whom shall be from the mechanical construction industry, one of whom shall be a licensed architect, one of whom shall be a licensed electrician, and one of whom shall be a licensed residential contractor. The final member shall be a licensed general contractor. In addition to the regular members, the Governing Authority shall appoint two alternate members, one member at large from the building industry and one member at large from the public. Plus, one elected official from the Governing Authority shall be appointed by the Governing Authority as a non-voting member. None of the Board members shall hold any other public office of any city or Lowndes County or be an employee of any city or Lowndes County with the exception of the one non-voting member who is an elected official of Governing Authority.

6.2.2 TERMS. In making its initial appointments, the Governing Authority shall designate the initial general contractor appointee and two other appointees to serve terms to expire June 30, 2026, two appointees to serve terms to expire June 30, 2025, and two appointees to serve terms to expire June 30, 2024. Thereafter, each member shall be appointed to serve a term of three (3) years with the term of each member to expire June 30 of the applicable year. The alternates shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued periodic absence of any member from required meetings of the Board shall, at the discretion of the Governing Authority, render any such member subject to immediate removal from office. If any member misses three (3) consecutive meetings, he shall automatically be deemed removed and a new member appointed to take his place for the remainder of the removed member’s unexpired term.

6.2.3 QUORUM AND VOTING. A simple majority of the Board shall constitute a quorum. In varying any provision of the Construction Codes, the affirmative votes of the majority present shall be required. In modifying a decision of the Building Official, not less than two affirmative votes shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

6.2.4 CONFLICTS OF INTEREST. A Board member shall not act in a case in which he has a personal or financial interest. If a Board member has any interest in any matter which may result in a gain or loss to that Board member or to his immediate family by blood or by marriage, such member shall not participate in the consideration, discussion, questioning and voting on that particular matter before the Board, nor shall the member take any action which may influence the vote of any other member. If the Chairman has a conflict of interest, the

Vice-Chairman shall preside over the meeting during consideration of that particular matter.

6.2.5 DUTIES AND POWERS. The purpose of the Board shall be to:

- (a) Review and decide specific appeals made by individuals concerning the interpretation or administration of the Construction Codes;
- (b) Review and decide upon waiver requests; and
- (c) Advise the Governing Authority, the Department and any other affected department on issues and matters of concern as to procedures of the Board or interpretation or construction of the Construction Codes.

6.2.6 SECRETARY OF BOARD. The Building Official shall act as Secretary of the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

6.2.7 OFFICERS OF THE BOARD. A Chairman and Vice Chairman shall be elected by the members at the first quarterly meeting of the Board. Thereafter, at the first quarterly meeting of each year, a new Chairman and Vice-Chairman shall be elected by the members.

6.2.8 MEETINGS. The Board shall hold, at a minimum, quarterly meetings, on a date and place and time specified by the Chairman. Special meetings may be called at any time by the Chairman, the Building Official or any two members of the Board. Reasonable advance notice of the place, time and date thereof shall be given to all members of the Board. The time, date and place of the meetings will be determined by the individual(s) calling such meeting.

6.2.9 RECORDS. The Department shall provide secretarial services to the Board and shall make a detailed record of all proceedings which shall set forth the reasons for all decisions and the vote of each member participating therein, the absence of a member, and the failure of a member to vote. These records shall be submitted to the Board for their approval and kept on file by the Department as a public record.

6.4 APPEALS

6.4.1 DECISION OF THE BUILDING OFFICIAL. The Board shall have the power, as further defined herein, to hear the appeals of decisions and interpretations of the Building Official and consider variances of the Construction Codes. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Board whenever any one of the following conditions is claimed to exist:

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

- (b) The provisions of the Construction Codes do not apply to this specific case.
- (c) That an equally good or more desirable form of installation can be employed in any specific case.
- (d) The true intent and meaning of the Construction Codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

6.4.2 VARIANCES. The Board, when so appealed to and after a hearing, may vary the application of any provision of the Construction Codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Ordinance or the Construction Codes or public interest, and it also finds all of the following:

- (a) That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
- (b) That the special conditions and circumstances do not result from the action or inaction of the applicant.
- (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by the Construction Codes to other buildings, structures or service system.
- (d) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
- (e) That the grant of the variance will be in harmony with the general intent and purpose of the Construction Codes and will not be detrimental to the public health, safety and general welfare.

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

6.4.4 NOTICE OF APPEAL. Notice of appeal to the Board shall be in writing and filed within 30 calendar days after the Building Official renders the decision. Appeals shall be in a form acceptable to the Building Official.

6.4.5 UNSAFE OR DANGEROUS BUILDINGS OR SERVICE SYSTEMS. In the case of a building, structure, or service system, which, in the opinion of the Building Officials, is unsafe, unsanitary or dangerous, the Building Official may, in his order, limit the time for such notice of appeals to a shorter period.

6.5 RULES AND REGULATIONS

6.5.1 RULES AND REGULATIONS; MEETINGS. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of these procedures. The Board shall meet on call of the Chairman. The Board shall meet within 30 calendar days after notice of appeal has been received.

6.5.2 DECISIONS. The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of the Construction Codes, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

7. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance, including the Construction Codes, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, including the Construction Codes.

8. VIOLATIONS AND PENALTIES

Any person, firm, corporation, other entity, or agent who shall violate a provision of this Ordinance, including the Construction Codes, or fail to comply herewith, or with any of the requirements hereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted hereunder, shall be subject to punishment by fine or imprisonment or both. Each such person, firm, corporation, other entity, or agent shall be considered to have committed a separate violation for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance, including the Construction Codes, is committed or continued, and upon being found to have committed any such violation such person shall be subject to being punished by fine not to exceed \$1,000.00 or imprisonment not to exceed 60 days or both for each such separate violation. Jurisdiction over such violations shall be in the Magistrate Court of Lowndes County. The procedure for enforcement of violations of this Ordinance, including the Construction Codes, shall be as provided in Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated.