

CHAPTER 36: STATE MINIMUM STANDARD CONSTRUCTION CODES

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ARTICLE I. - IN GENERAL

Sec. 36-1. - Definitions.

The following words, terms and phrases, when used in this chapter and/or the building and technical codes adopted by reference in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Building official or building inspector means a qualified person as designated by the Mayor and Council to administer and enforce the provisions of said code.

Construction board of adjustment and appeals or the board of appeals means a hearing board consisting of the Mayor and Council, who make determinations on appeals from the decisions and interpretations of the building official and consider requests for building variances from the construction standards in the technical codes.

Trade official means the electrical official, gas official, plumbing official, or housing official.

Sec. 36-2. - Violations and Penalties.

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

(Code 2001, § 36-101- § 36-107)

Sec. 36-3. - Powers and duties of the building official.

- (a) *Enforcement; interpretation.* The building official is hereby authorized and directed to enforce the provisions of the technical codes. The building official is further authorized to render interpretations of the technical codes which are consistent with their intent and purpose.
- (b) *Right of entry.*
 - (1) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, 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 the technical 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.
 - (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 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 this chapter.

- (c) *Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the technical 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, but a written order will follow.
- (d) *Revocation of permits.*
 - (1) *Misrepresentation of application.* The building official may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - (2) *Violation of 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 this chapter or the technical codes.
- (e) *Unsafe buildings or systems.* All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, do not provide adequate egress, constitute a fire hazard, 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 Property Maintenance Code.
- (f) *Requirements not covered by codes.* 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 this chapter or the technical codes, shall be determined by the construction board of adjustment and appeals.
- (g) *Alternate materials and methods.* The provisions of the technical 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 technical 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. 36-4. - 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.

Secs. 36-5—36-20. - Reserved.

ARTICLE II. - CONSTRUCTION CODES

Sec. 36-21. - Adoption by reference.

- (a) It is the desire of the Mayor and Council to adopt, in all respects, the various state minimum standard codes relating to amusement devices, building, fire prevention, gas, grading, mechanical, plumbing, and swimming pools. The adoption of these state minimum standard codes is done to facilitate proper inspection activities by the city relating to construction and maintenance of buildings within the incorporated areas of the city and relating to public safety, health and general welfare. The latest edition of the following building and technical codes, as approved and amended by the state department of community affairs, are hereby adopted by reference and incorporated herein as though they were fully set out:
 - (1) International Building Code (IBC);
 - (2) International Fuel Gas Code (IFGC);
 - (3) International Mechanical Code (IMC);

- (4) International Plumbing Code (IPC);
 - (5) National Electrical Code (NEC);
 - (6) International Fire Code (IFC);
 - (7) International Energy Conservation Code (IECC); and
 - (8) International Residential Code for One- and Two-Family Dwellings (IRC).
- (b) The following optional building and technical codes, as approved and amended by the state department of community affairs, are hereby adopted by reference and incorporated herein as if fully set out:
- (1) International Property Maintenance Code (IPMC); and
 - (2) International Existing Building Code (IEBC).
- (c) Any references in the standard codes made to the duties of certain officials named therein shall be the duty of the designated official of the city who has duties corresponding to those of the named official in said standard code and shall be deemed to be the responsible official insofar as enforcing the provisions of the standard code.

(Code 2001, § 36-101- § 36-107)

Sec. 36-22. - Adoption of minimum standard codes.

- (a) It is the desire of the Mayor and Council to adopt and enforce, in all respects, the various state minimum standard codes. Local jurisdiction is required to adopt administrative procedures in order to enforce the standard codes by O.C.G.A. § 8-2-26.
- (b) The Mayor and Council hereby adopts the administrative procedures outlined in this chapter for enforcement of the state minimum standard codes for construction in the city.

(Code 2001, § 36-101- § 36-107)

Sec. 36-23. - Administration and enforcement.

- (a) *Purpose.* The purpose of this section is to provide for the administration and enforcement of the state minimum standard codes as allowed heretofore adopted. Hereinafter, all of the standard codes heretofore adopted shall be referenced as the "technical codes," as may be adopted by the state or local jurisdiction.
- (b) *Codes declared remedial.*
- (1) *General.* The technical codes are hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof; which are:
 - a. Public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation;
 - b. 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
 - c. Regulation of the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as the "service systems."
 - (2) *Quality control.* Quality control of materials and workmanship is not within the purview of this chapter, except as it relates to the purposes stated herein.
 - (3) *Permitting and inspection.* The inspection and permitting of any building, system or plan, under the requirements of this chapter shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The city, nor any employee thereof, shall not be liable in tort for damages for any defects or hazardous or illegal condition or inadequacy of such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.
- (c) *Applicability.*
- (1) *General.* Where, in any specific case, different sections of this chapter 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) *Building.* The provisions of the International Building Code, as approved and amended by the state department of community affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, except in one- and two-family dwellings.
 - (3) *Electrical.* The provisions of the National Electrical Code, as approved and amended by the state department of community affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.
 - (4) *Gas.* The provisions of the International Fuel Gas Code, as approved and amended by the state department of community affairs, shall apply to the installation of consumer's gas piping, gas appliances, and related accessories as covered in this chapter. 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.
 - (5) *Mechanical.* The provisions of the International Mechanical Code, as approved and amended by the state department of community affairs, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related items, except in one- and two-family dwellings.
 - (6) *Plumbing.* The provisions of the International Plumbing Code, as approved and amended by the state department of community affairs, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and when connected to a water or sewerage system.
 - (7) *Fire prevention.* The provisions of the International Fire Code, as approved and amended by the state 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.
 - (8) *Energy.* The provisions of the International Energy Conservation Code, as approved and amended by the state department of community affairs, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water, heating and illumination systems and equipment that will enable the effective use of energy in new building construction.
 - (9) *One- and two-family dwellings.* The provisions of the International Residential Code for One- and Two-Family Dwellings, as approved and amended by the state department of community affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, and maintenance of every one- and two-family dwelling or any appurtenances connected or attached to such buildings or structures.
 - (10) *Unsafe buildings.* The provisions of the International Property Maintenance Code, as approved and amended by the state department of community affairs, will provide code enforcement personnel with the necessary tools to have dangerous and unsafe buildings repaired or demolished.
- (d) *Federal and state authority.* The provisions of this chapter 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 ordinance from which this chapter is derived or 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.
 - (e) *Appendices.* Appendices referenced in the text of the technical codes shall be considered an integral part of the codes.
 - (f) *Referenced standards.* Standards referenced in the text of the technical codes shall be considered an integral part of the codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provision shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

- (g) *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 technical codes when constructed, altered or repaired shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

Sec. 36-24. - Building and zoning department.

There is hereby established a department to be called the building and zoning department, and the person(s) in charge shall be known as the building official. The City Clerk, Building Inspector, or any other such public officer designated or appointed by ordinance, shall exercise the powers prescribed by this ordinance. The qualifications of the building official and other technical code enforcement personnel shall be established by the Mayor and Council.

- (1) *Restrictions on employees.* An officer or employee connected with the building and zoning department, except one whose only connection is as a member of the board established by this chapter, 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 building and zoning department.
- (2) *Records.* The building official shall keep, or cause to be kept, a record of the business of the building and zoning department. The records of the building and zoning department shall be open to public inspection.
- (3) *Liability.* Any officer or employee, or member of the construction board of adjustments and appeals, charged with the enforcement of this chapter, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee or member because of such act performed by him in the enforcement of any provision of this chapter shall be defended by the county attorney until the final termination of the proceedings.
- (4) *Reports.* The building official shall submit reports covering the work of the building and zoning department to county agencies - tax assessor's office and 911 office - periodically during the year; to ensure that property tax and emergency records are current.

Secs. 36-25—36-51. - Reserved.

ARTICLE III. - REGULATIONS

Sec. 36-52. - Existing buildings.

- (a) *General.* Alternations, repairs or rehabilitation work may be made to an 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 technical codes, provided that the alteration, repair or rehabilitation work conforms to the requirements of the technical 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 technical codes for new construction.
- (b) *Change of occupancy.* If a change in occupancy/tenant occurs in any existing residential or commercial building or structure, a health and safety inspection shall be required prior to the establishment of utilities and/or issuance of a Certificate of Occupancy. It is unlawful to occupy or otherwise use any building or structure prior to the issuance of a Certificate of Occupancy.

Sec. 36-53. - Specific historic buildings.

The provisions of the technical codes relating to the construction, alteration, repair, enlargement, restoration, relocation and 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, or relocation or moving of buildings within fire districts.

Sec. 36-54. - Service utilities.

- (a) *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required until released by the building official and a certificate of occupancy or, for certain types of permits, a certificate of completion, is issued.
- (b) *Temporary connection.* The building official may authorize a temporary connection of a building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.
- (c) *Permanent connection.* Upon the issuance of a certificate of occupancy, the property owner is responsible for maintaining proper connection of all service utilities to the building or structure. All occupied buildings or structures located within the corporate limits of the city shall be required to maintain operational utility connections.
- (d) *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 technical 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.

Sec. 36-55. - Posting of floor loads.

- (a) *Occupancy.* An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The building 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.
- (b) *Storage and factory-industrial occupancies.* It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record in the building and zoning department.
- (c) *Signs required.* In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the building 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, shall be replaced by the owner of the building.

Secs. 36-56—36-81. - Reserved.

ARTICLE IV. - PERMITS, INSPECTIONS, AND CERTIFICATES

Sec. 36-82. - Application.

- (a) *When required.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical 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.
- (b) *Exception.* Permits shall not be required for the following mechanical work:
 - (1) Any portable heating appliance;
 - (2) Any portable ventilation equipment;

- (3) Any portable cooling unit;
 - (4) Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter;
 - (5) Replacements of any part which does not alter its approval or make it unsafe;
 - (6) Any portable evaporative cooler; and
 - (7) Any self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
- (c) *Work authorized.* A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.
 - (d) *Minor repairs.* Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.
 - (e) *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 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 or "The Zoning Ordinance for the City of Danielsville, Georgia," as amended.
 - (f) *Time limitations.* An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time, for periods of not more than 90 days each, may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

Sec. 36-83. - Drawings and specifications.

- (a) *Requirements.* When required by the building official, two or more copies of specifications and 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 technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.
- (b) *Additional data.* The building 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.
- (c) *Design professional.* The design professional shall be an architect or engineer, legally registered under the laws of the state regulating the practice of architecture or engineering, and shall affix his official seal to said drawings, specifications and accompanying data for the following:
 - (1) All Group A, E, and I occupancies;
 - (2) Buildings and structures three stories or more high; and
 - (3) Buildings and structures 5,000 square feet (465 m²) or more in area.
 - a. 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.
 - b. Exception. Single-family dwellings, regardless of size, shall require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required.
- (d) *Structural and fire resistance integrity.* Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor or partition will be made for electrical, gas, mechanical, plumbing, signal and communication

conduits, pipes, and systems and also indicate, in sufficient detail, how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.

- (e) *Site drawings.* Drawings shall show the location of the proposed building or structure and every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified surveyor showing seal and signature on the survey.
- (f) *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, exists, 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. 36-84. - Examination of documents.

- (a) *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 technical codes and all other pertinent laws and ordinances.
- (b) *Affidavits.* The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical 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, a statement that the plans and design conform to the requirements of the technical 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 technical codes. Where the building official relies upon such an affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

Sec. 36-85. - Issuing permits.

- (a) *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 technical codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.
- (b) *Refusal to issue permit.* If the application for a permit and the accompanying contract documents describing the work do not conform with the requirements of the technical 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/her refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.
- (c) *Special foundation permit.* When application for a 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 technical codes.
- (d) *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 such building or structure

removed from another lot or premises, unless the applicant has made application at the office of the director of public works for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the building official to see that the street lines are not encroached upon except as provided for in the building code.

Sec. 36-86. - Contractor's 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 and 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 building official with their license number before receiving a permit for work to be performed.

Sec. 36-87. - Conditions of the permit.

- (a) *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 technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this chapter. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced. One or more extensions of time, for period 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 approved in writing by the building official.
- (b) *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 supervise such work. In addition, the architect or engineer who signed the affidavit 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 a written affidavit that the work has been completed in conformity with the reviewed plans and with the structural provisions of the technical 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.
- (c) *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.

Sec. 36-88. - Fees.

- (a) *Prescribed fees.* A permit shall not be issued until the fees as established by the Mayor and Council from time to time, 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 system has been paid.
- (b) *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee, in addition to the required permit fees.
- (c) *Accounting.* The building 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.
- (d) *Schedule of permit fees.* On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit in accordance with the fee schedules set by the board shall be paid, as required, at the time of filing the application.
- (e) *Building permit valuations.* If, in the opinion of the building official, the valuation of a building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to

meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment, and other systems, including materials and labor.

- (f) *Refund.* If, within 30 days of issuance of a permit, the permit is withdrawn by the applicant, the applicant may receive a refund of 75 percent of the permit fee. At any time that work commences under a permit, there will be no refund.

Sec. 36-89. - Certificates.

(a) *Certificate of occupancy.*

- (1) *Building occupancy.* A new building shall not be occupied, or a change made in the occupancy, nature or use of a building or part of a building, until after the building 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 technical codes and other applicable laws and ordinances and released by the building official.
 - (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 technical codes, reviewed plans and specifications, and after the final inspection, the building official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the technical codes.
 - (3) *Temporary/partial occupancy.* A temporary/partial certificate of occupancy may be issued for a portion of a building which may safely be occupied prior to final completion of the building.
 - (4) *Existing building certificate of occupancy.* A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with the technical 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 technical codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.
- (b) *Certificate of completion.* Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and, for certain types of permits, is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.

Secs. 36-90—36-112. - Reserved.

ARTICLE V. - CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

Sec. 36-113. – Construction Board of Adjustment and Appeals.

There is hereby established a board to be called the construction board of adjustment and appeals.

- (a) *Members.* The Mayor and Council shall serve as the construction board of adjustment and appeals. A member of the board shall not act in a case in which he has a personal or financial interest.
- (b) *Quorum and voting.* Three council members shall constitute a quorum. In varying any provision of this chapter, the affirmative votes of the majority present shall be required. In modifying a decision of the building official, not less than three affirmative votes shall be required.
- (d) *Secretary of the members.* The city clerk shall act as secretary at each meeting of the members and shall make a detailed records of all proceedings, which shall set forth the reasons for any decision, the vote of each member, the absence of a member, and any failure of a member to vote.

Sec. 36-114. - Reserved.

Sec. 36-115. - Powers.

The construction board of adjustment and appeals shall have the power, as further defined in section 36-116, to hear the appeals of decisions and interpretations of the building official and consider variances of the technical codes.

Sec. 36-116. - Appeals.

- (a) *Decision of the building official.* The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:
- (1) 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.
 - (2) The provisions of this chapter do not apply to this specific case.
 - (3) That an equally good or more desirable form of installation can be employed in any specific case.
 - (4) The true intent and meaning of this chapter or any of the regulations thereunder have been misconstrued or incorrectly interpreted.
- (b) *Variances.* The construction board of adjustment and appeals, when so appealed to and after a hearing, may vary the application of any provision of this chapter 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 chapter or the technical codes or public interest, and also finds all of the following:
- (1) That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
 - (2) That the special conditions and circumstances do not result from the action or inaction of the applicant.
 - (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other buildings, structures or service system.
 - (4) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
 - (5) That the grant of the variance will be in harmony with the general intent and purpose of this chapter and will not be detrimental to the public health, safety and general welfare.
- (c) *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 members may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of the conditions of a variance shall be deemed a violation of this chapter.
- (d) *Notice of appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the construction board of adjustment and appeals.
- (e) *Unsafe or dangerous buildings or service systems.* In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such notice of appeal to a shorter period.
- (f) *Decisions.* The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the members shall also include the reasons for the decision. If a decision of the members reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this chapter, 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 members shall be final, subject however, to such remedy as any aggrieved party might have at law or in equity.

Sec. 36-117. - Rules and regulations.

The members shall establish rules and regulations for its own procedure, not inconsistent with the provisions of these procedures or "The Zoning Ordinance for the City of Danielsville,

Georgia," as amended. The members shall meet on call of the mayor. The members shall meet within 30 calendar days after a notice of appeal has been received.