ORDINANCE

REGARDING GEORGIA STATE MINIMUM STANDARD CODES FOR CONSTRUCTION

AN **ORDINANCE REGARDING ENFORCEMENT OF THE GEORGIA STATE** MINIMUM **STANDARD CODES FOR CONSTRUCTION;** AND **FOR OTHER PURPOSES.**

WHEREAS, the Georgia State Minimum Standard Codes for Construction promote the life, health, safety and general welfare of all citizens, and;

WHEREAS, said Codes are also designed to protect the property of all citizens, and;

WHEREAS, it is the desire of the Dawson County Board of Commissioners to enforce and/or adopt and enforce, in all respects, the various Georgia State Minimum Standard Codes for Construction, and;

NOW, THEREFORE, BE IT ORDAINED by the Dawson County Board of Commissioners that it is the intent of Dawson County to enforce the latest edition of the following Georgia State Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs, the title of said code being the ***Dawson County Minimum Standards Code:***

- The Georgia State Minimum Standard Building Code (The International Building Code with Georgia Amendments)
- The Georgia State Minimum Standard One and Two Family Dwelling Code (The International Residential Code for One- and Two- Family Dwellings with Georgia Amendments)
- The Georgia State Minimum Standard Fire Code (The International Fire Code with Georgia Amendments)
- The Georgia State Minimum Standard Mechanical Code (The International Mechanical Code with Georgia Amendments)
- The Georgia State Minimum Standard Plumbing Code (The International Plumbing Code with Georgia Amendments
- The Georgia State Minimum Standard Electrical Code (National Electrical Code with Georgia Amendments)
- The Georgia State Minimum Standard Gas Code (The International Fuel Gas Code with Georgia Amendments)
- The Georgia State Minimum Standard Energy Code (The International Energy Conservation Code with Georgia State Supplements and Amendments)

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This Ordinance shall take effect on date of adoption.

ORDAINED, this 18th October day of 2007.

Mike Berg

Mike Berg, Chairman
Dawson County Board of Commissioners

AN ORDINANCE OF

THE BOARD OF COMMISSIONERS OF DAWSON COUNTY, GEORGIA: TO ADOPT GEORGIA STATE MINIMUM STANDARD CODES FOR CONSTRUCTION; TO PROVIDE ENFORCEMENT OF THE GEORGIA STATE MINIMUM STANDARD CODES FOR CONSTRUCTION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia State Minimum Standard Codes for Construction promote the health, safety and general welfare of all citizens of Dawson County; and

WHEREAS, the Georgia State Minimum Standard Codes for Construction are designed to protect the property of all citizens; and

WHEREAS, the Board of Commissioners of Dawson County seek to enforce the various Georgia State Minimum Standard Codes for Construction.

NOW, THEREFORE, the Board of Commissioners of Dawson County hereby adopt this Ordinance to implement and enforce the latest edition of the following Georgia State Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs, which are available for inspection and review within the Community Development Office of Dawson County, and the title of the entirety of such Code shall be the Dawson County Minimum Standards Code:

SECTION I. (a) the Georgia State Minimum Standard Building Code (the International Building Code with Georgia Amendments);

(a) the Georgia State Minimum Standard One and Two Family Dwelling Code (the International Residential Code for One and Two Family Dwellings with Georgia Amendments);

(b) the Georgia State Minimum Standard Fire Code (the International Fire Code with Georgia Amendments);

(c) the Georgia State Minimum Standard Mechanical Code (the International Mechanical Code with Georgia Amendments);

(d) the Georgia State Minimum Standard Plumbing Code (the International Plumbing Code with Georgia Amendments);

(e) the Georgia State Minimum Standard Electrical Code (the National Electrical Code with Georgia Amendments);

(f) the Georgia State Minimum Standard Gas Code (the International Fuel Gas Code with Georgia Amendments);

(g) the Georgia State Minimum Standard Energy Code (the International Energy Conservation Code with Georgia State Supplements and Amendments).

SECTION II. In accord with O.C.G.A. § 8-2-26, the Board of Commissioners of Dawson County hereby adopt and approve the administrative procedures attached hereto as "Attachment A" for the enforcement of the State Minimum Standard Codes for Construction in Dawson County.

SECTION III. Severability.

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of the resolution shall be declared invalid or unconstitutional by any court of

competent jurisdiction, or if the provisions of any part of this resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of the resolution not so held to be invalid, or the application of the resolution to other circumstances not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners of Dawson County to provide for separable and divisible parts, and they do hereby adopt any and all parts as may be held invalid for any reason.

SECTION IV. Repealer.

All resolutions or parts of resolution in conflict with the terms of this Resolution are hereby repealed but it is hereby provided that any resolution or law which may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be literally construed to be in favor of Dawson County is hereby adopted as a part hereof.

APPROVED THIS 18 DAY OF October, 2007.

Attest:

Krystal Brewster
Interim County Clerk

Mike Berg, Chairman
Dawson County Board of Commissioners

VOTE: √ Yes

____ No

ATTACHMENT "A"

ADMINISTRATION & ENFORCEMENT

PURPOSE AND SCOPE

1.1 PURPOSE

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

1.2 CODE REMEDIAL

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

1.2.2 QUALITY CONTROL. Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.

1.2.3 PERMITTING AND INSPECTION. The inspection or permitting of any building, system or plan, under the requirements of construction codes shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Dawson County, nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

1.3 SCOPE

APPLICABILITY:

GENERAL. Where, in any specific case, different sections of these construction codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

BUILDING. The provisions of the Dawson County Minimum Standards Code 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.

ELECTRICAL. The provisions of the Dawson County Minimum Standards Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

GAS. The provisions of the Dawson County Minimum Standards Code shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code.

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

MECHANICAL. The provisions of the Dawson County Minimum Standards Code shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems. Except in one and two family dwellings.

PLUMBING. The provisions of the Dawson County Minimum Standards Code 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.

FIRE PREVENTION. The provisions of the Dawson County Minimum Standards Code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

ENERGY. The provisions of the Dawson County Minimum Standards Code 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.

ONE AND TWO FAMILY DWELLING. The provisions of the Dawson County Minimum Standards Code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every one or two family dwelling or any appurtenances connected or attached to such buildings or structures.

FEDERAL AND STATE AUTHORITY. The provisions of the construction codes shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

APPENDICES. Appendices referenced in the text of the construction codes shall be considered an integral part of the construction codes as adopted by Dawson County Ordinance.

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.

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

1.4 COMMUNITY DEVELOPMENT DEPARTMENT

There is hereby established a department to be called the Community Development Department and the person in charge shall be known as the Community Development Director. The Governing Body shall establish the qualifications for the Community Development Director, the Planning Director, Building Official, Building Inspector, and other Code Enforcement personnel.

1.4.1 RESTRICTIONS ON EMPLOYEES. An officer or employee connected with the department, except one whose only connection is as a member of the board established by Section 5.1, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with his duties or conflict with the interests of the department.

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

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

1.4.4 REPORTS. The Community Development Director shall submit annually a report covering the work of building codes enforcement during the preceding year.

He/She may incorporate in said report a summary of the decisions of the Construction Board of Adjustments and Appeals during said year.

1.5 EXISTING BUILDINGS

1.5.1 GENERAL. Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the construction codes provided that the alteration, repair or rehabilitation work conforms to the requirements of the construction codes for new construction. The inspector under direction of the Director shall determine the extent to which the existing system shall be made to conform to the requirements of the construction codes for new construction.

1.5.2 CHANGE OF OCCUPANCY. If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the construction codes.

1.6 SPECIAL HISTORIC BUILDINGS

The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as Historic Buildings when such buildings or structures are judged by the inspector under direction of the Director 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.

2. POWERS AND DUTIES OF THE BUILDING OFFICIAL AND CODE ENFORCEMENT OFFICER

2.1 GENERAL

The Community Development Director shall designate a Chief Building Official and other designated inspectors to carry out the following duties. Questions and appeals of the Building Official decision shall be brought to the Community Development Director prior to formal appeal to the Construction Board of Adjustments and Appeals. The Building Official is hereby authorized and directed to enforce the provisions of the construction codes. The Building Official is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose.

The Community Development Director shall further designate a Chief Code Enforcement Officer and other designated officers to carry out the following Duties. To, in conjunction with the Building Official, enforce the provisions of the construction codes and all other applicable county codes and regulations.

2.2 RIGHT OF ENTRY

2.2.1 Whenever necessary to make an inspection to enforce any of the provisions of the Construction codes, or whenever the Building Official and or Code Enforcement Officer 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 and or Code Enforcement Officer 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 and or Code Enforcement Officer by these construction codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry .If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official or Code Enforcement Officer shall have recourse to every remedy provided by law to secure entry.

2.2.2 When the Building Official and or Code Enforcement Officer 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 and or Code Enforcement Officer for the purpose of inspection and examination pursuant to the construction codes.

2.3 STOP WORK ORDERS

Upon notice from the Building Official and or Code Enforcement Officer or designee, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official, Code Enforcement Officer or designee shall not be required to give a written notice prior to stopping the work. Stop work orders apply to the ENTIRE scope of the development until corrective measures are approved. Re-inspection of corrections following placement of a stop work order incur an administrative fee of $100 per violation.

2.4 REVOCATION OF PERMITS

2.4.1 MISREPRESENTATION OF APPLICATION. The Building Official may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the pem1it or approval was based.

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

2.5 UNSAFE BUILDINGS OR SYSTEMS

All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or

are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.

2.6 REQUIREMENTS NOT COVERED BY CODE

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

2.7 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. The Building Official shall approve any such alternate, provided 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.

3. PERMITS

3.1 PERMIT APPLICATION

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

EXCEPTION: Permits shall not be required for the following mechanical work:

1. any portable heating appliance;
2. any portable ventilation equipment;
3. any portable cooling unit;
4. any steam, hot or chilled water piping within any heating or cooling equipment regulated by the construction codes;
5. replacements of any part which does not alter its approval or make it unsafe; any portable evaporative cooler;
6. any self-contained refrigeration system containing 10 lb. (4.54 kg.) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

3.1.2 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.

3.1.3 MINOR REPAIRS. Ordinary minor repairs may be made without a permit, provided that such repairs shall not violate any of the provisions of the construction codes.

3.1.4 INFORMATION REQUIRED. Each application for a permit, with the required fee, shall be filed on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The owner or his /her authorized agent shall sign the application. 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.

3.1.5 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. Two extensions of time for periods of not more than 180 days each may be allowed by the Building Official for the application provided the extension is requested in writing and justifiable cause is demonstrated.

3.2 DRAWINGS AND SPECIFICATIONS

3.2.1 REQUIREMENTS. When required, 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.

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

3.2.3 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:

1. All commercial occupancies.
2. Buildings and structures three stories or more high.
3. Buildings and structures 5000 sq. ft. (465 m"2) or more in area.

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

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

3.2.4 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.

3.2.5 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.

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

1. GENERAL SITE PLAN. A general site plan drawn at a legible scale which shall include, but not be limited *to,* the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

2. BUILDING FLOOR PLAN. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

3.3 EXAMINATION OF DOCUMENTS

3.3.1 PLAN REVEW. 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.

3.3.2 AFFIDAVITS. The Building Official may accept a sworn affidavit from a Registered Architect or Engineer stating that the plans submitted conforms 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, 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.

3.4 ISSUING PERMITS

3.4.1 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.

3.4.2 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 a refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

3.4.3 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 proceeds at his own risk and without assurance that a permit for the remainder of the work will be granted no corrections will not be required in order to meet provisions of the construction codes.

3.4.4 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 street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the Community Development Department for the lines of the public street on which he/she proposes to build, erect or locate said building; and it shall be the duty of the Building Official or designee to see that the street right of way is not encroached upon except as provided for in the construction codes.

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

3.6 CONDITIONS OF THE PERMIT

3.6.1 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 worked is commenced. Two extensions of time, for periods not more than 180 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.

3.6.2 PLANS. When the Building Official issues a permit, he/she shall enforce, in writing or by stamp, both sets of plans "Reviewed for Code Compliance." The Building Official shall retain one or more sets of drawings so reviewed and at least one set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his/her authorized representative.

3.7 FEES

3.7.1 PRESCRJBED FEES. A permit shall not be issued until the fees prescribed by the governing body have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, and mechanical or gas systems, etc. has been paid.

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

3.7.3 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.

3.7.4 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.

3.7.5 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.

3.7.6 BUILDING PERMIT REFUNDS. Work for which a permit has been issued which has not commenced within 30 days of issuance may be eligible for refund on amount paid at the discretion of the Community Development Director.

3.8 INSPECTIONS

3.8.1 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 o f the construction codes.

3.8.2 INSPECTION SERVICE. The Building Official may make, or cause to be made, the inspections required by 3.8.5 He/She may accept reports of inspectors of recognized inspection services provided that after investigation he/she is satisfied as to their qualifications and reliability .A certificate called for by any provision of the Construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

3.8.3 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.

3.8.4 POSTING OF PERMIT. Work requiring a permit shall not commence until the permit holder or his/her agent posts the permit card in a conspicuous place on the premises. Should work commence without permit posted a stop work order will be issued. Each day of work without posting may constitute a separate offense. 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. The permit holder shall maintain this permit card in such condition until the Certificate of Occupancy or Completion is issued by the Building Official. Should the permit not be posted or lost then a new permit may be reissued one time with an additional administrative fee of 50% of the original permit fee.

3.8.5 REQUIRED INSPECTIONS. The Building Official or representative upon notification from the permit holder or his agent shall make all inspections and such other inspections as necessary, as required by the Construction Code 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 Code. Required inspections will be those listed in the administrative section of the latest edition of each International Code Counsel code for construction which has been adopted by the Georgia Department of Community Affairs as a Georgia State Minimum Standards code with amendments.

3.8.6 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.

3.8.7 LACK OF RELEASE. Work commenced without release must be inspected and approved with affidavit(s) from a private inspector/engineer certifying his/her credentials as qualified to perform inspections. All such affidavits shall be

provided to the Building Official prior to any further work commencing. It shall be at the Building Officials discretion as to the acceptance of such affidavits. Work with no private or public inspections must supply a release to the Building Official waiving liability for any deficiencies related to Building Codes as well as remit any fees that would normally have been incurred for the required inspections not performed in accordance with County requirements set forth herein.

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

3.8.9. 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 or representative after all lathing and backing is in place. Plaster shall not be applied until the release from the Building Official or representative has been received.

3.9 CERTIFICATES

3.9.1 CERTIFICATE OF OCCUPANCY

3.9.1.1 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 or representative 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 or representative.

3.9.1.2 ISSUING CERTIFICA TE 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 or representative shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.

3.9.1.3 TEMPORARY/PARTIAL OCCUPANCY. A temporary/partial certificate of occupancy may be issued at the discretion of the Build Official on a case by case basis, for a portion of a building, which may safely be occupied prior to final completion of the building.

3.9.1.4 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, 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.

3.9.2 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.

3.9.3 SERVICE UTILITIES

3.9.3.1 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 or representative and a Certificate of Occupancy or Completion is issued.

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

3.9.3.3 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 or representative 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.

3.10 POSTING FLOOR LOADS

3.10.1 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.

3.10.2 STORAGE AND FACTORY-INDUSTRIAL OCCUPANCIES. It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, 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 Planning and Development Department.

3.10.3 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 or representative on the plan, shall be marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

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/her agent, by an approved testing laboratory or other approved agency.

5. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

5.1 APPOINTMENT

There is hereby established a Board to be called the Construction Board of Adjustment and Appeals, which shall consist of five members. The Governing Body shall appoint the Board.

5.2 MEMBERSHIP AND TERMS

5.2.1 MEMBERSHIP. The Construction Board of Adjustment and Appeals should consist of five members. Such Board members should be composed of

individuals serving upon appointment by the Board of Commissioners with knowledge and experience in the construction codes, such as design professionals, contractors or building industry representatives. A Board member shall not act in a case in which he has a personal or financial interest.

5.2.2 TERMS. The terms of office of the Board members shall be three years staggered so no more than 1/3 of the Board is appointed or replaced in any 12-month period. Vacancies shall be filled for an unexpired term in the manner in which original appointments are made. Continued absence of any member from required meetings of the Board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

5.2.3 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 Inspector, not less than three affirmative votes shall be required.

5.2.4 SECRETARY OF BOARD. The Building Official or representative 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, and the absence of a member and any failure of a member to vote.

5.3 POWERS AND MEETINGS

The Construction Board of Adjustments and Appeals shall have the power, as further defined in Section 5.4, to hear the appeals of decisions and interpretations of the Building Official and consider variances of the construction codes. Meetings shall be held on an as needed basis with a minimum of two meetings each year to occur once in January and once in July unless such Board has otherwise met to handle election of officers and other regular business. All meetings shall be open to the public and the Board shall set the time of each meeting.

5.4 APPEALS

5.4.1 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 anyone 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 the Construction codes 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 the Construction codes or any of the regulations therein have been misconstrued or incorrectly interpreted.

5.4.2 VARIANCES. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of the Construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the Construction codes or public interest, and also finds 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 the Construction codes 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 granting 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.

5.4.2.1 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.

5.4.3 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 Building Official.

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

5.5 RULES AND REGULATIONS

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

5.5.1 DECISIONS. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building 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 Community Development and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise to the applicant. Every decision of the Board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

6. SEVERABILITY

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

7. VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent who shall violate a provision of the construction codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted hereunder, the County may, in addition to

other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful act or to correct or abate such violation.

In addition to any other enforcement provision provided herein, any person who shall violate the terms of the Dawson County Minimum Standards Code may be punished by a maximum fine of $1000 per day or a maximum of sixty (60) days imprisonment or both. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Construction code is committed or continued.

The Magistrate Court of Dawson County shall have jurisdiction and power over the trial of charges of violations of these ordinances.