



MEMORANDUM

MEETING OF: August 22, 2017
COMMITTEE: Brookhaven City Council
DEPARTMENT: Community Development

ISSUE/AGENDA ITEM TITLE:

Consideration and Approval of TA17-11 an Ordinance to Amend Chapter 7, Buildings & Construction, of the Code of the City of Brookhaven

BACKGROUND/SUMMARY:

The proposed amendment updates the City's regulations related to granting of permits by the Department of Community Development. The amendment began as a clean-up of permit expiration dates ahead of the implementation of new permitting software and electronic plan review, which is scheduled for the end of 2017. When drafting the amendment, it was determined that the existing ordinance duplicated or conflicted with text in other code sections. At this time, the Department is proposing to correct these duplications and conflicts.

STAFF RECOMMENDATION:

Approval as presented.

ATTACHMENTS:

- TA17-11 MARK-UP An Ord to Amend Chapter 7, Buildings & Construction (PDF)

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF BROOKHAVEN

ORDINANCE 2017 _____

AN ORDINANCE TO AMEND CHAPTER 7, BUILDINGS & CONSTRUCTION, OF THE CODE OF THE CITY OF BROOKHAVEN

WHEREAS, Section 1.03(b)(3) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to regulate the erection and construction of buildings and all other structures through the adoption of applicable codes; and

WHEREAS, the Mayor and City Council find that amendments to the existing ordinance are necessary to correct duplicated or conflicting text related to granting of permits by the Department of Community Development.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

Chapter 7, Buildings & Construction, is amended to read as follows:

Chapter 7 - BUILDINGS AND CONSTRUCTION

ARTICLE I. - IN GENERAL

Sec. 7-1. - Definitions.

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

Adopted state codes means all codes and standards adopted by reference in this chapter.

Approved means approved by the Building Official.

Board means the construction board of appeals.

Building official means the officer or other person designated by the director with the authority charged with the administration and enforcement of this Code.

Director means the director of the community development department or designee.

Emergency means any situation resulting in imminent danger to the public health or safety or the loss of an essential governmental service.

End user means the ultimate consumer of a product, especially the one for whom a product has been designed.

Independent means not affiliated in any way with the applicant for the variance or any city or county official or employee.

Justifiable cause means a reason given by the applicant or permit holder that in the opinion of the director is valid and sufficient. Justifiable cause does not include delay that is created by the applicant or permit holder or delay that reasonably could have been avoided by the applicant or permit holder.

Ordinary repairs mean nonstructural repairs to a building or structure or repairs to a mechanical system, gas system, plumbing system, electrical system, and energy conservation system for which the codes specify no minimum requirements or standards or do not address the repair. The term "ordinary repairs" does not include additions, alterations, relocations, or replacements to buildings or structures, water supplies, sewers, drains, drain leaders, gas, soil waste, vent or other similar piping, electrical systems or wiring, mechanical systems, or other work for which a permit is required by the Code or the building official.

Portable equipment means equipment not permanently install or fixed in place.

Pre-qualified alternate registered engineer means a registered design professional recommended by the city council or its designee, or the construction board of appeals and approved by the city council for compliance with O.C.G.A. § 8-2-26 et seq.

Protective means a method or material that provides the same or greater protection of health, safety, life or property as provided by the construction requirements set forth in this Code.

Registered design professional means architects, civil, structural, mechanical, electrical, and plumbing engineers, and others whose services require licensing by the state.

Technical codes means collectively the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, National Electrical Code, International Energy Conservation Code, International Fire Code, and International Swimming Pool and Spa Code as adopted, amended, and mandated by the State of Georgia along with amendments; the International Property Maintenance Code, Rules of Office of Insurance and Fire Safety Commissioner Chapter 120-3-20; National Fire Protection Code 101; and local supplemental codes as adopted by the city.

(Ord. No. O2013-03-11, § 7-1, 4-9-2013)

Sec. 7-2. - Building numbering.

- (a) *Assigning numbers; size; installation; inspections.* Street numbers will be assigned for all buildings and structures. Numbers must be erected and displayed in front of the project on a board with permanent numbers not smaller than two inches. Numbers must be in place at the beginning of the job before the footing inspection is made and be continuously displayed thereafter until the job is complete and all final inspections have been made. No inspection will be made where street numbers are not in place as required in this section. Contractors and others shall always refer to the street number when calling the community development department for an inspection request or information.
- (b) *Designation of street numbers.* Street numbers for dwelling units and places of business on all public streets and street numbers or building numbers for dwelling units and places of business within apartment projects and nonresidential developments located on private streets shall be assigned by the department in accordance with its administrative procedures.
- (c) *Posting.* All buildings, including, but not limited to, one- and two-family dwelling units, multifamily dwelling units, and each place of business, shall have approved address numbers placed in a position to be plainly legible and visible from the public or private street or road frontage. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or

alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

(Ord. No. O2013-03-11, §§ 7-500-7-502, 4-9-2013)

Secs. 7-3-7-22. - Reserved.

ARTICLE II. - CONSTRUCTION AND TECHNICAL CODES

Sec. 7-23. - Adopted state minimum standards codes.

(a) *Generally.* As future new editions or amendments of the codes listed in this article are adopted by the board of community affairs of the state department of community affairs, they shall become a part of or replacement for the adopted codes, rules and regulations or standards and shall become enforceable as prescribed without separate adoption by the governing authority. All new construction, installations, repairs, or alterations shall be in conformance with the current edition of the following codes and referenced appendixes with state amendments as currently adopted by the board of community affairs of the state department of community affairs:

- (1) International Building Code.
- (2) International Residential Code.
- (3) International Plumbing Code and the Georgia Amendments.
- (4) International Mechanical Code.
- (5) International Fuel Gas Code.
- (6) National Electrical Code.
- (7) International Energy Conservation Code, along with Appendices A, B, C, D.
- (8) International Fire Code.
- (9) International Swimming Pool and Spa Code.

(b) *Referenced standards.* Standards referenced in the above-stated codes shall be considered an integral part of the code without separate adoption. If specific portions of a standard are denoted by a code test, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall govern. Permissive and advisory provisions in a standard shall not be construed as mandatory.

(c) *Appendices.* The appendixes included in any code adopted pursuant to this chapter are not intended for enforcement unless specifically referenced in this chapter or specifically included in this Code.

(d) *Referenced codes and standards.* The adopted state codes adopted pursuant to this article shall be considered part of the requirements of this chapter to the prescribed extent of each such adoption. Where differences occur between the provisions of this chapter and referenced codes and standards, the provisions of this chapter shall govern.

(Ord. No. O2013-03-11, § 7-51, 4-9-2013)

Sec. 7-24. - Amendments to the International Building Code and International Residential Code.

(a) Notwithstanding anything to the contrary contained herein, the International Building Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments: International Building Code:

- (1) Chapter 1 is deleted in its entirety.

- (2) Revise section 1612.3 to include "The flood insurance study for DeKalb County countywide FIRM and FIS effective 5-7-2001."
- (b) Notwithstanding anything to the contrary contained herein, the International Residential Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:
- (1) International Residential Code:
- a. Chapter 1 is deleted in its entirety.
 - b. Table 301.2(1) in chapter 3 shall be completed by adding the following information to the blank spaces:
 1. Ground snow load (lbs. per square foot) - 8.
 2. Wind speed (fastest mile) - 90.
 3. Seismic design category B.
 4. Weathering - moderate.
 5. Frost line depth - Yes, 12-inch minimum.
 6. Termite damage - Yes, very heavy.
 7. Decay damage - Yes, moderate to severe.
 8. Winter design temp. for heating facilities - (22 degrees Fahrenheit).
 9. Flood hazard - as defined in Chapter 14.
- (2) Local ordinance requirements supplemental to the state-adopted International Residential Code:
- a. A set of plans that includes building, plumbing, mechanical, and electrical plans and the site plan as required in section 7-24(b)(2)b shall be maintained on the construction site at all times.
 - b. A site plan or staking survey prepared and sealed by a registered engineer or land surveyor shall be submitted at the time of the residential footing or slab inspection and prior to the pouring of slab or foundation walls. Survey shall show the setbacks from all property lines. Setbacks shall comply with all minimum zoning ordinance requirements and/or legally acquired variances.
 - c. Upon request by the director, written certification shall be provided by the permittee or property owner that all concrete reinforcing and support stirrups comply with CSRI specifications.
 - d. Upon request, batch tickets shall be provided to the director for each concrete pour. No more than one gallon of water shall be added to each cubic yard of concrete mix during the concrete pour. All soil under a concrete slab shall be properly compacted and shall be covered with a minimum of six mil polyethylene film to prevent the leaching of water from the concrete pour into the soil. The director may request the permittee, at the permittee's expense, to have any concrete slab and/or footing tested by an independent third party approved by the director. The director may take any and all appropriate action including, but not limited to, requiring removal of the concrete at the permittee or property owner's expense by a date certain if the director determines that:
 1. The concrete was poured in a manner contrary to this section or other law;
 2. That the concrete was poured contrary to ACI specifications; or
 3. That the slab or footings are defective as verified by the third-party testing.

- e. The skirt of the concrete apron for any driveway shall rise to no less than eight inches above the flowline in the curb and the gutter and shall be eight feet from the face of the curb at the flowline.
- f. All residential driveways, stops, patios, and walkways shall bear on properly compacted soil, foundation ledges or be doweled at slab. Maximum residential driveway slopes shall not exceed 20 percent grade. At the entrance of a garage, the garage floor shall be elevated two inches above the driveway or a drainage system approved by the director shall be installed at the entrance to the garage. Residential garages and carports shall contain not less than 19 feet six inches of actual automobile parking depth. Upon completion of construction of any driveway or garage, the engineer of record shall provide written certification to the director that such driveway and/or garage complies with the requirements of this Code, including the requirements of this section.
- g. All residential basements and crawl spaces shall be damp proofed and positively drained regardless of water table and/or soil conditions.
- h. All residential bathroom wet floor areas shall be covered and protected by non-absorbent floor coverings. Dressing areas may transition to carpet.
- i. All roofing shingles shall be installed and maintained during the entire construction per manufacturer's recommendations. Roofing shall be installed and sloped according to the manufacturer specifications using flashing and waterproof caulking to prevent leakage and moisture accumulation. Drip edges shall be installed at all roofing edges.
- j. Roof framing shall be tied securely to wall framing, using hurricane type connections.
- k. Residential gutters shall be continuously sloped for proper drainage and shall not contain depressions or swags to collect standing water. Drainage from gutter outlets shall be directed to a designed or natural drainage system that does not adversely affect adjacent property or buildings.
- l. Seven-sixteenth inch structural wood sheathing or other approved material shall be installed as underlayment on all residential exterior walls where vinyl siding is to be installed. All vinyl siding shall be a minimum material thickness of 0.044 inch and shall be installed by hand nailing using galvanized roofing nails.
- m. A weather-resistant barrier shall be required as an underlay between all exterior siding or veneer. All exterior wood surfaces and fastener holes shall be sealed, treated and painted according to the manufacturer's specifications. All exterior wood and cementitious siding surfaces shall be sealed and painted according to the manufacturer's specifications. All exterior fasteners shall be coated and shall meet or exceed manufacturer specifications and standards for the specific application.
- n. All windows and doors shall be installed with flashing to create a drain plain. All flashing shall be cut into adjoining surfaces where applicable. Light colored roofing and solar orientation principles shall be encouraged for use in all buildings. Flashing and caulking shall be installed at all exterior surfaces, roofs, or appurtenances that are connected to another surface and such flashing and caulking shall extend to abutting structures.
- o. Crickets shall be installed behind all chimneys and shall extend the full width of the chimney chase.
- p. A 3.5-inch weep screed shall be installed at the bottom edge of the lath on all exterior hard coat stucco. The weep screen shall be mounted four inches above finished grade and two inches above impervious surfaces (walkways, patios, and driveways). Metallic pipes

penetrating stucco must be wrapped with materials to prevent corrosion of the pipe. Expansion joints shall be installed between floors.

- q. All topsoil shall be saved, protected and shall only be reused as topsoil but not used for fill. All disturbed areas on residential lots shall be totally sodded or landscaped with approved landscaped materials. All building material that are rendered unusable by natural elements (i.e., water, sun, or soil) in the opinion of the director shall be immediately removed upon discovery and replaced with satisfactory material at the permittee or property owner's expense.
- r. Outside water-using or producing appliances such as an air conditioning cooling coil condensate shall be piped six inches away from the dwelling unit foundation.
- s. Verification of subterranean termite control shall be submitted prior to issuance of a certificate of occupancy.

(Ord. No. O2013-03-11, § 7-52, 4-9-2013)

Sec. 7-25. - Amendments to the International Plumbing Code and International Mechanical Code.

(a) Notwithstanding anything to the contrary contained herein, the International Plumbing Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:

(1) International Plumbing Code.

- a. Chapter 1 is deleted in its entirety.
- b. Revise section 305.6.1; insert "12 inches."
- c. Revise section 305.9 to include "Components of a plumbing system installed along alleyways, in yards, or lawns, driveways, parking garages, or other locations exposed to damage shall be recessed into the ground, wall or otherwise protected in an approved manner."

(2) Local supplemental ordinance requirements to the state-adopted Plumbing Code.

- a. All exterior sewer drain clean outs shall be cut back to finished grade level on all residences.
- b. Waiver for an exemption to the requirements for the installation of high efficiency plumbing fixtures relative to any new construction and to the repair or renovation of an existing building may be given under the following conditions:
 - 1. When the repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets, or shower heads within such existing building;
 - 2. When such plumbing or sewerage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets, or shower heads required by this part were installed;
 - 3. When such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
 - 4. When units to be installed are:
 - (i) Specifically designed for use by person with disabilities;
 - (ii) Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - (iii) Toilets for juveniles.

- (b) Notwithstanding anything to the contrary contained herein, the International Mechanical Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:
- (1) International Mechanical Code: Chapter 1 is deleted in its entirety.
 - (2) Local supplemental ordinance requirements to the state-adopted Mechanical Code.
 - a. Residential heating and air conditioning systems (if air conditioning is installed) shall be sized to address all finished areas (except garages).
 - b. Attic ventilation utilizing continuous ridge and soffit vents, cap vents or turbine vents shall be required.
 - c. Factory seams on low pressure systems do not have to be sealed when the minimum air leakage requirements of the Georgia State Energy Code for buildings have been met for the entire duct system.

(Ord. No. O2013-03-11, § 7-53, 4-9-2013)

Sec. 7-26. - Amendments to the International Fuel Gas Code, the state-adopted National Electrical Code, and the International Energy Conservation Code.

- (a) Notwithstanding anything to the contrary contained herein, the International Fuel Gas Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:
- (1) International Fuel Gas Code: Chapter 1 is deleted in its entirety.
 - (2) Local supplemental ordinance requirements to the state-adopted Gas Code. Gas lines shall be inspected and pressure tested at the rough-in inspection.
- (b) (1) Notwithstanding anything to the contrary contained herein, the state-adopted National Electrical Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:
- (2) Local supplemental ordinance requirements to the state-adopted National Electrical Code.
 - a. Electrical fences consisting of an electrically charged conductor or other electrically charged devices shall be permitted to be used only for the confinement of farm animals. Only fence chargers of the intermittent current type listed by a nationally recognized independent testing laboratory shall be permitted to be used. Electrical fences shall not be used except by special permission after written application to the director.
 - b. When a residential service change is installed, all receptacle outlets that are required under the current state-adopted National Electrical Code to be GFI outlets shall be modified to provide such protection, including bathrooms, kitchen counters, and outdoor receptacles.
 - c. A reinspection permit and reinspection shall be required before power is restored to any residence or building where power has been disconnected for six months or more.
- (c) Notwithstanding anything to the contrary contained herein, the state-adopted International Energy Conservation Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:
- (1) The provisions of article III of this chapter shall supplement chapter 1 of the International Energy Conservation Code and in the event of conflict the provisions of the International Energy Conservation Code shall take precedence and govern.

(Ord. No. O2013-03-11, § 7-54, 4-9-2013)

Sec. 7-27. - State fire safety rules adopted.

The state minimum fire safety standards of the state safety fire commissioner as set forth in Ga. Comp. Rules and Regs. § 120-3-2 et seq. for the prevention of loss of life and property from fire, panic from fear of fire, explosions or related hazards in buildings, structures, occupancies, and facilities are adopted as if fully set forth herein. The department of community development shall administer and enforce those provisions of these rules as relate to plan review and inspection of proposed buildings and structures and issuance of permanent and temporary certificates of occupancy.
(Ord. No. O2013-03-11, § 7-18, 4-9-2013)

Secs. 7-28-7-57. - Reserved.

ARTICLE III. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 7-58. - Conformance to construction, installation, repair, and maintenance standards.

The provisions of this article shall apply to the construction, erection, installation, alteration, demolition, repair, relocation, replacement, addition to, use, or maintenance of buildings or structures, plumbing, mechanical, gas, and electrical systems within the city. Any and all requirements of this article shall expressly include any and all technical codes as amended by the city pursuant to this article.
(Ord. No. O2013-03-11, § 7-26, 4-9-2013)

Sec. 7-59. - Applicability.

- (a) *Generally.* The provisions of this chapter shall apply to all matters affecting or related to buildings, structures, equipment, or systems as set forth in section 7-58. Where, in any specific case, different sections of this chapter specify different materials, methods of construction or other requirements, the most restrictive requirement shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.
- (b) *Existing installations.* Buildings, structures, plumbing, mechanical, and electrical systems lawfully in existence at the time of the adoption of the ordinance from which this article is derived shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health, or property is created by such building, structure, or system.
- (c) *Work to conform to codes.* No building, structure, system, appliance, or equipment, as hereinafter specified in this article, shall be constructed, erected, installed, altered, or repaired, except in conformance with the provisions of this article and this Code.
- (d) *Public utility services.* The provisions of this article shall not apply to the installation, alteration or repair of services up to and including the meters where such work is performed by or is an integral part of a system owned or operated by a public utility service corporation, water department, gas company, railroad company, pipeline company, or other public utility in the exercise of its normal functions or in rendering its duly authorized service as such.
- (e) *Other laws.* The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.
- (f) *Referenced codes and standards.* The adopted state codes adopted pursuant to article II of this chapter shall be considered part of the requirements of this article to the prescribed extent of each

such adoption. Where differences occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter shall govern.

- (g) *Additions, alterations, or repairs.* Additions, alterations, or repairs to any building, structure or system shall conform to that required for a new building, structure, or system without requiring the existing building, structure, or system to comply with all requirements of this chapter. Additions, alterations or repairs shall not cause an existing building, structure or system to become unsafe, unsanitary, or overloaded.
- (h) *Ordinary repairs.* Ordinary repairs shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacements are not hazardous to the public health, safety, or welfare.
- (i) *Change in occupancy.* It is unlawful to make any change in the occupancy classification of any building or structure that does not meet the requirements of this chapter. If there is a change in occupancy classification, prior to the issuance of any business occupation tax certificate, the finance director or designee shall advise the building official, fire marshal, or designee that an application for a business occupation tax certificate has been submitted to the city for review and the building official, fire marshal, or designee shall ascertain whether such building or structure meets the intent of the provisions of law governing building construction for the proposed new occupancy classification and that such change of occupancy does not result in any hazard to the public health, safety or welfare.
- (j) *Requirements not covered by Code.* Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, or system, or for the public safety, health, and general welfare, not specifically covered by this Code shall be determined by the director or their designee.

(Ord. No. O2013-03-11, § 7-27, 4-9-2013)

Sec. 7-60. - Enforcement officials.

- (a) *Enforcement.* The community development department is responsible for administration and enforcement of this chapter.
- (b) *Deputies and authorized representatives.* In accordance with prescribed procedures of the city, the building official shall have the authority to appoint a deputy building official, authorized representatives, technical officers, inspectors, plan examiners, and other employees. Such employees shall have powers as authorized by law and delegated by the building official.

(Ord. No. O2013-03-11, § 7-28, 4-9-2013)

Sec. 7-61. - Duties and powers of the building official.

- (a) *Generally.* The building official is authorized and directed to enforce the provisions of this chapter and the adopted state codes. The building official shall have the authority to render interpretations of this Code and the adopted state codes and to adopt policies and procedures to clarify the application of their provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the force and effect of law and shall not have the effect of waiving requirements specifically provided for in this Code or in the adopted state codes.
- (b) *Applications and permits.* The building official shall receive applications, review construction documents and plans; issue permits for the erection, construction, alteration, and demolition of buildings and structures and for the installation of mechanical, plumbing, gas, and electrical

- systems; inspect the premises for which such permits have been issued; and enforce compliance with the provisions of this chapter and other applicable provisions of this Code.
- (c) *Notices and orders.* The building official shall issue all necessary notices or orders to ensure compliance with this chapter.
 - (d) *Inspections.* The building official shall or his designee shall perform all the required inspections, or the building official shall have the authority to accept reports of inspection by approved qualified agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.
 - (e) *Identification.* The building official, deputy or authorized representative shall carry proper identification when inspecting buildings, structures, or premises in the performance of duties under this chapter.
 - (f) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the building official has reasonable cause to believe that there exists in a building or structure or upon a premises a condition which is contrary to or in violation of this chapter which makes the building, structure, or premises unsafe, dangerous, or hazardous, the building official is authorized to enter the building, structure, or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building, structure, or premises be occupied that credentials be presented to the occupant and entry requested. If such building, structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building, structure, or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
 - (g) *Department records.* The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained for the period required by state law for retention of public records.
 - (h) *Approved materials, equipment, appliances and devices.* Materials, equipment, appliances and devices approved by the building official shall be constructed and installed in accordance with such approval.
 - (i) *Alternative materials, designs, methods of construction, equipment, and appliances.* The provisions of this chapter are not intended to prevent the installation of any materials or to prohibit any designs, methods of construction, equipment or appliances not specifically prescribed by this chapter, provided that any such alternatives have been approved by the building official in writing. Alternative materials, designs, methods of construction, equipment, or appliances shall be approved in writing where the building official finds that the proposed design is satisfactory and complies with the intent and purpose of the provisions of this chapter, and the material or methods of work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.
 - (j) *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the city. Such tests shall be paid for by the person seeking to rely on such alternative materials or methods.

- (k) *Test methods.* Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures.
- (l) *Testing agency.* All tests shall be performed by an agency approved by the building official.
- (m) *Test reports.* The building official shall retain reports of tests for the period required for retention of public records.

(Ord. No. O2013-03-11, § 7-29, 4-9-2013)

Sec. 7-62. - Stop work order.

- (a) *Authority.* Whenever the building official finds any work regulated by this chapter being performed in a manner contrary to the provisions of this chapter or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.
- (b) *Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. The stop work order shall be posted on the property and remain, under penalty of law, until the building official or designee authorizes its removal.
- (c) *Unlawful continuance.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to correct a violation or an unsafe condition, shall be subject to issuance of a court citation to appear in the municipal court of the city and upon conviction shall be subject to a fine and/or imprisonment in accordance with this Code. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

(Ord. No. O2013-03-11, § 7-38, 4-9-2013)

Sec. 7-63. - Unsafe conditions.

- (a) *Conditions.* Structures or existing equipment that are or hereafter become unsafe or uninhabitable, which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, shall be deemed an unsafe condition. Structures that are deemed an unsafe condition shall be taken down and removed or made safe, as the building official deems necessary, unless the notice of an unsafe condition is appealed to the board in accordance with the requirements set forth in section 7-87.
- (b) *Notice.* If an unsafe condition is found, the building official or designee shall serve on the owner, agent, or person in control of the building, structure or system found to be unsafe, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official written acceptance or rejection of the terms of the notice.
- (c) *Method of service.* Such notice shall be deemed properly served if a copy thereof is delivered to the owner personally or sent by certified or registered mail addressed to the owner at the owner's last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the building or structure affected by such notice. Service of such notice in the foregoing

manner upon the owner's agent or upon the person responsible for the building or structure shall constitute service of notice upon the owner.

- (d) *Restoration.* The building, structure, system or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations, or additions are made, or a change of occupancy occurs during the restoration of the building, structure, system, or equipment, such repairs, alterations or additions or change of occupancy shall comply with the requirements of this chapter.

(Ord. No. O2013-03-11, § 7-40, 4-9-2013)

Sec. 7-64. - Violations, remedies and penalties.

- (a) *Unlawful acts.* It is unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, system or equipment regulated by this chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter or other applicable provisions of this Code.
- (b) *Notice of violation.* The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing, demolition, or occupancy of a building, structure, system, or equipment in violation of the provisions of this chapter, or in violation of a permit or certificate of occupancy under the provisions of this chapter. Such notice or order shall direct the discontinuance or correction of the illegal action or condition and the abatement of the violation.
- (c) *Penalties.* Any person failing to discontinue, correct, or abate the violation of this chapter as ordered by the building official in the notice shall be subject to issuance of a court citation to appear in the municipal court of the city to answer charges of violations of this chapter and upon conviction shall be subject to a fine and/or imprisonment in accordance with this Code. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

(Ord. No. O2013-03-11, § 7-37, 4-9-2013)

Secs. 7-65-7-86. - Reserved.

DIVISION 2. - CONSTRUCTION BOARD OF APPEALS

Sec. 7-87. - Membership; variances, terms of office; decision-making powers.

- (a) *Appointment.* There is established a construction board of appeals, which shall consist of five members, appointed by the mayor and subject to confirmation by city council.
- (b) *Qualifications of members.* All members of the board shall be residents and homeowners in the city. All members of the board shall have experience in the building industry. The members of the board shall have applicable experience in drainage and structural issues in residential-home-design or construction, heating ventilation and air conditioning, electrical installations, and plumbing. Members of the board shall hold no other city office, appointed position within the city or any other city compensated position.
- (c) *Filling board vacancies generally.* Any vacancy on the board shall be filled in accordance with the original appointing procedure for the vacant position. Any newly-appointed member shall serve for the remainder of the unexpired term.

- (d) *Initial terms of members.* The five board members who are appointed by virtue hereof shall hold initial terms of office which shall be staggered as follows: Two initial board members shall be designated to serve a term of two years and three initial board members shall be designated to serve a term of four years. After expiration of any term thereafter, each board member shall serve a term of four years.
- (e) *Terms of board members.* Terms of each board member shall absolutely expire on the last day of the actual term in office of the appointing official or on December 31 of the board member's four-year term, whichever comes first, regardless whether a successor has been appointed to the board member's position.
- (f) *Successive terms.* Members of the board may be reappointed to successive terms, but in no event shall a member be permitted to serve more than eight consecutive years.
- (g) *Organization, officers, and rules.* The board shall elect a chair, vice-chair and secretary. The persons so elected shall serve in these capacities for a term of one year. No person may serve in any of these capacities for more than three consecutive years. The vice-chair will preside at the meetings of the board in the chair's absence. The board shall determine its procedural rules and regulations and otherwise take such action as is appropriate for the management of the affairs committed to its supervision. The board's rules and regulations shall be consistent with this chapter and necessary to carry out the provisions of this chapter.
- (h) *Quorum.* Three members of the board shall constitute a quorum at any meeting and a vote of three voting members shall be required to enable the board to act.
- (i) *Meeting accommodations and staff support.* The city shall provide the board with suitable office space, meeting accommodations, and clerical support, as the city shall deem appropriate and necessary.
- (j) *Compensation for board members.* The board members shall be volunteers and shall not be compensated, except that the city may reimburse the board members for necessary expenses incurred by the board members in the performances of their official duties.
- (k) *Removal at will.* The mayor and city council shall have authority to remove any member of the construction board of appeals, at will, without cause.
- (l) *Powers and duties.* The board shall have the following powers:
 - (1) To hear appeals of decisions and interpretations of the building official;
 - (2) To hear appeals of the building official's decision related to the use of alternative materials, designs, methods of construction, equipment, and appliances pursuant to section 7-119(m);
 - (3) To hear appeals of the building official's decision related to unsafe conditions as regulated in section 7-63;
 - (4) To hear and grant variances from the provisions of division 3 of this article;
 - (5) To hear and grant applications for pre-qualification of alternate-registered engineers as referenced in section 7-170(i) as well as remove pre-qualification status from alternate registered engineers as the board deems appropriate in its sole discretion; and
 - (6) To review proposed amendments to the land development and technical codes and to provide recommendations on such amendments to the governing authority.
- (m) *Application forms; filing of applications; application fees.* Applications for appeals, variances, and alternate-registered engineers shall be filed on forms provided by the city and shall not be considered authorized or accepted unless complete in all respects, including the payment of any application fees. Application fees shall be established by the city council.
- (n) *Appeals of the building official's decisions.*

- (1) Notice of appeal of a building official decision to the board shall be in writing and filed with the director within 30 calendar days after the building official's decision is rendered. Appeals shall be on a form provided by the director.
 - (2) An appeal shall be sustained only upon an express written finding by the board that the building official's action was based on an erroneous finding of a material fact or that the building official acted in an arbitrary manner. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the director from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by all applicable laws are met. The board may also remand any appeal for the receipt of additional information.
 - (3) In the case of a building, structure, or service system which, in the opinion of the building official, constitutes an unsafe condition as that term is used in section 7-63, the building official may, in the decision or order, limit the time for the filing of such appeals to not less than two days and the director may request expedited review by the board of the appeal.
 - (4) If the building official's decisions results in a revocation or denial of the issuance of any permit or certificate authorized by this chapter, the affected applicant or permittee may request, and shall be allowed, to meet with the director within two business days after the initial issuance of such order or decision. At such meeting the affected applicant or permittee shall be allowed to present any evidence or testimony to the director that the applicant deems appropriate. If such a meeting is not requested or the director does not alter the decision to revoke or deny the issuance of any permit or certificate, then the building official's decision becomes final. During the pendency of any subsequent appeal to the board, the notice of appeal shall not stay enforcement of the director's decision and the applicant or permittee may not take any action, perform any act or occupy any structure that contradicts the director's revocation or denial decision in this regard.
- (o) *Variances.*
- (1) The owner of a building, structure, or service system, or duly authorized representative, may file a request to the board to vary any provision of the technical codes in accordance with the provisions of this section on forms promulgated by the city or the director.
 - (2) In granting a variance, the board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a variance shall be deemed a violation of this Code.
 - (3) No variance may be granted unless such variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter. No variance shall be granted by the board to:
 - a. Allow any variance which conflicts with or changes any requirement established as a condition by the city council;
 - b. Reduce, waive, or modify in any manner any minimum standards set forth in the adopted codes generally identified in section 7-23, as amended; and
 - c. Reduce, waive, or modify any environmental protection measures such as tree protection and/or soil erosion and sedimentation control.
 - (4) The board shall grant variances from the provisions or requirements of this chapter only upon making written findings of the following:

- a. The strict application of the requirements of this chapter would deprive the building, structure, or service system owner of rights and privileges enjoyed by other building, structure, or service system owners within the city;
 - b. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other building, structure, or service system property owners within the city;
 - c. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or any improvements;
 - d. The liberal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship;
 - e. The method or material requested is at least as protective as the method or materials required by this chapter; and
 - f. The applicant has supplied the city with an independent study or analysis by a registered design professional that shows that the method or material meets or exceeds the methods or materials required by this Code.
- (p) *Procedures of the board.*
- (1) *Hearings open to public.* All hearings of the board shall be open to the public and the agenda shall be made available at least two business days prior to the meeting of the board. Matters not placed on the agenda in compliance with this section shall not be heard by the board, except for appeals involving a structure or service system that, in the opinion of the director, is unsafe, unsanitary, or uninhabitable. The board shall meet at least once a year and whenever an action is requested before the board, though not more often than every 30 days.
 - (2) *Decisions.* The board shall, in every case of an appeal of a decision or interpretation of the director or a variance request, reach a final decision within 30 calendar days from the date of the final hearing. Each decision of the board shall be in writing and shall include the basis for the decision. Every decision shall be promptly file-stamped in the office of the community development department and shall be available for public inspection. A copy of the decision shall be delivered by mail at the address in the notice of appeal or application for variance to the person who filed the appeal or request for a variance.
- (q) *Appeals from decisions of the construction board of appeals.*
- (1) *Method of appeal.* Any person aggrieved by a final decision of the board may seek review of such decision by petitioning the superior court of the county for a writ of certiorari in accordance with state law.
 - (2) *Notice to board.* In any such petition, the board shall be designated the respondent in certiorari and the city, along with any other party required by law to be named, shall be named as the defendants in certiorari. The city clerk and the secretary of the board shall be authorized to acknowledge service of a copy of the petition and writ for the board as respondent. Service upon the city as defendant shall be as otherwise provided by state law.
- (Ord. No. O2013-03-11, § 7-16, 4-9-2013; Ord. No. 2013-05-05, §1(7-16(a)), 6-11-2013; Ord. No. 2014-05-03, § 1, 5-13-2014)

Secs. 7-88-7-117. - Reserved.

DIVISION 3. - PERMITS, PLANS AND OTHER CONSTRUCTION DOCUMENTS

Sec. 7-118. - Permits.

- (a) *Building permit required.* A permit shall be obtained before beginning construction, erection, alteration or repair to a building or structure, mechanical system, gas system, plumbing system, electrical system, and energy conservation system, other than ordinary repairs. Permits shall be obtained before beginning work. Permits for emergency work shall be obtained within 24 hours after work is commenced.
- (b) *Exception to permit required.* Ordinary repairs to a single-family residential building or structure shall not be required to obtain a permit.
- (c) *Work commencing before permit issuance.* In addition to any other remedies provided by law, any person, contractor, or company commencing any work on a building or structure, mechanical, gas, plumbing, or system electrical system before obtaining the required permit shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fee.
- (d) *Work exempt from permit.* Exemptions from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of the city. Permits shall not be required for the following:
 - (1) *Building.*
 - a. Retaining walls which are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
 - b. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed two to one.
 - c. Painting, wallpapering, tiling, carpeting, cabinetry, or counter tops, if plumbing is not affected, millwork, and similar finish work.
 - d. Temporary motion picture, television, and theater stage sets and scenery.
 - e. Prefabricated swimming pools that are less than 24 inches (610 mm) deep and are installed entirely above ground.
 - f. Swings and other playground equipment accessory to one- and two-family dwellings.
 - g. Window awnings supported by an exterior wall.
 - h. Movable cases, counters and partitions not over five feet nine inches (1753 mm) in height.
 - i. Detached accessory structures of 100 square feet or less.
 - (2) *Electrical.*
 - a. *Repairs and maintenance.* Ordinary repairs, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - b. *Radio and television transmitting stations.* Electrical equipment used for radio and television transmissions. Permits are required for equipment and wiring for power supply, and the installation of towers and antennas.
 - c. *Temporary testing systems.* The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
 - (3) *Gas.*
 - a. Portable heating appliances.
 - b. Replacement of any minor component of equipment that does not alter approval of equipment or make such equipment unsafe.

- (4) *Mechanical.*
 - a. Portable heating appliances.
 - b. Portable ventilation equipment.
 - c. Portable cooling unit.
 - d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter.
 - e. Replacement of any part which does not alter its approval or make it unsafe.
 - f. Portable evaporative cooler.
 - g. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
- (5) *Plumbing.*
 - a. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered new work and a permit shall be obtained and inspection made as provided in this chapter.
 - b. The clearing of stoppages or the repairing of leaks in pipe, valves, or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
 - c. Removal and replacement of sinks, lavatories, faucets, and water closets without relocations of fixtures or piping.
- (e) *Application for permit.* To obtain a permit, the applicant shall first file a permit application on a form furnished by the community development department for that purpose. Such application shall:
 - (1) Identify and describe the work to be covered by the permit for which application is made.
 - (2) Describe the property on which the proposed work is to be done by street address, including suite or unit number, zip code, and tax parcel ID, to identify and definitely locate the proposed building or structure or work.
 - (3) Indicate the use and occupancy for which the proposed work is intended.
 - (4) Be accompanied by construction plans and documents and any other information that the building official may require to ascertain whether the proposed building meets the requirements of this chapter.
 - (5) State the cost of labor and materials for the proposed work.
 - (6) Provide the legal name of the property owner.
 - (7) Provide the company name, state license-holder's name and license(s) number, address, email address, and telephone number of the applicant/contractor and shall be signed by the applicant/contractor or the authorized permit agent. Legible copies of current state licenses, business licenses, and state-issued photo identification, and if applicable, notarized permit agent forms or homeowner affidavits, must be submitted prior to issuance of permits.
 - (8) The building official may require any additional information to be provided so that an understanding of all work to be performed can be ascertained from the permit application.
- (f) *Action on application.* The building official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing but no later than 60 calendar days after the filing of a complete application in conformity with this section. If the application or the construction plans or documents do not conform to the requirements of this

chapter, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this chapter and that required approval from city departments and outside agencies have been verified, the building official shall issue a permit therefor as soon as practicable.

- (g) *Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless a permit has been issued. The building official is authorized to grant up to three written extensions of time for additional periods not exceeding 90 days each before such application is declared abandoned. The extension shall be requested in writing and justifiable cause demonstrated.
- (h) *Validity of permit.* The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions of this chapter, of any local, state or federal law or any provision of this Code. Permits presuming to give authority to violate or cancel the provisions of this chapter or other provisions of this Code shall not be valid and are void. The issuance of a permit based on construction plans and documents and other data shall not prevent the building official from requiring the correction of errors in the construction plans and documents and other data. The building official is authorized to prevent occupancy or use of a building or structure where there exists any violation of this chapter or of any other provisions of the Code or of conditions of approval of permit, or where there exists a hazard to the health, safety and welfare of the public or the occupants of the building or structure.
- (i) *Expiration of permit.* Every permit issued shall become invalid and of no force and effect unless the work on the site authorized by such permit has not commenced and passed a city inspection within 180 days of issuance, or if the work authorized on the site by such permit has been commenced and has been suspended or abandoned with no further city inspection passed for a period of 180 days. The building official is authorized to grant one written extension of the permit for a period of not more than 90 days. The extension shall be requested in writing and justifiable cause demonstrated.
- (j) *Suspension or revocation.* The building official is authorized to suspend or revoke a permit issued under the provisions of this chapter if the permit is issued in error or based on incorrect, inaccurate, or incomplete information, or in violation of any applicable provision of this Code.
- (k) *Contractor change; reissuing of permit.*
 - (1) No permit shall be reissued on any work or job site for which a permit already exists except after notification in writing from the owner of the change in contractor and that the new contractor is authorized by the owner to re-permit the work. Re-issuance of a permit shall make the new contractor responsible for the complete job or system and all work or code deficiencies, if any, as built, erected or installed by the previous or former contractor.
 - (2) The contractor who re-permits the work or job shall pay a change of contractor fee in the amount established by action of the city council.
- (l) *Placement of building permit, inspections card, and construction plans.* The building permit or copy, inspection card, and approved construction and site plans shall be kept on the site of the work until completion of the work. The inspections card shall be posted within 36 to 48 inches above grade facing the street or in a window of the structure under construction in a manner where it is visible from the street and if outside, in a weatherproof cover. The construction plans shall be kept on the construction site in a manner that they can be produced upon demand by the building official.

(Ord. No. O2013-03-11, § 7-30, 4-9-2013)

Sec. 7-119. - Construction plans and documents.

(a) *Submittal of plans and documents.*

- (1) Construction plans and documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction plans and documents shall be prepared by a registered design professional. When the building official is unable to make a determination as to the granting or denial of a permit based upon the plans submitted with a permit application, the building official is authorized to require additional construction plans and documents to be prepared by the applicant or a registered design professional.
- (2) The building official is authorized to waive in writing the requirement for construction plans if it is found that the nature of the work applied for is such that reviewing of construction plans and documents is not necessary to obtain compliance with this chapter. In addition, construction plans and documents for single-family residential construction do not have to be prepared by a registered design professional unless required by the building official in writing.

(b) *Information on construction plans and documents.* Construction plans and documents shall be dimensioned and drawn upon suitable material. Electronic submittal of construction plans and documents may be required by the building official. Construction plans and documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and all other applicable laws and regulations.(c) *Fire protection system shop drawings.* Shop drawings for the fire protection systems shall be submitted to indicate conformance with this chapter and the construction plans and documents and shall be approved by the building official prior to the start of system installation.(d) *Manufacturer's installation instructions for.* Manufacturer's installation instructions, as required by the International Codes, shall be available on the job site at the time of inspection.(e) *Exterior wall envelope.* Construction plans and documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this chapter. The construction plans and documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water resistive membrane, and details around openings.(f) *Manufacturing installation instructions.* The construction plans and documents shall include manufacturing installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction plans and documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.(g) *Site plan.* The construction plans and documents submitted with the application for a building permit shall be accompanied by a site plan for review by the community development department. The building official is authorized to waive or modify in writing the requirement for a site plan.

The site plan shall be drawn in accordance with an accurate boundary line survey and must be signed and sealed by a registered land surveyor. If trees are to be removed or the critical root zones of trees impacted by construction, the site plan must be signed and sealed by a certified arborist, and a tree survey and tree protection plan must be submitted. Site plans must show to scale:

- (1) The size and location of new construction and existing structures on the site and distances from lot lines;
- (2) The established street grades and the proposed finished grades for the entire site, the storm water control measures to protect adjacent properties, erosion control, and water quality measures;
- (3) Impervious surface calculations; and
- (4) The location of the following construction-related items: dumpsters or other onsite disposal equipment, portable toilets, onsite parking for construction vehicles, construction material staging and storage, and borrow or stockpile areas.

In the case of demolition, the site plan shall show the construction to be demolished and the location and size of existing structures and construction that are to remain on the site or lot.

- (h) *Examination of construction plans and documents.* The building official shall examine or cause to be examined the accompanying construction plans and documents and shall ascertain by such examination whether the proposed construction indicated and described is in compliance with the requirements of this chapter and other pertinent provisions of this Code.
- (i) *Approval of construction plans and documents.* When a permit is issued, the construction plans and documents shall be approved, in writing or by stamp, as being in compliance with this chapter. However, the approval of construction plans and documents and other data shall not prevent the building official from requiring the correction of errors in the construction plans and documents and other data. The applicant shall keep an approved set of plans at the site of work which shall be open to inspection by the building official.
- (j) *Previous approvals.* The enactment of the ordinance from which this division is derived shall not require changes in the construction plans and documents, construction or designated occupancy of a structure for which a lawful permit has been issued prior to enactment of the ordinance from which this division is derived and the construction of which has been pursued and not abandoned within 180 days after the effective date of the ordinance from which this division is derived.
- (k) *Phased approval.* The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction plans and documents for the whole building or structure have been submitted, provided that construction plans and documents, adequate information, and detailed statements have been filed complying with pertinent requirements of this chapter. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the approved part of the building construction operation and without any assurance that a permit for the entire structure will be granted in the future.
- (l) *Design professional in responsible charge.*
 - (1) When it is required and requested by the building official that construction plans and documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The owner shall notify the building official in writing if the registered design professional in responsible charge is changed or is unable to continue to perform the duties required by this Code.

- (2) The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal plans and documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
- (m) *Deferred submittals.* For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.
- (1) Deferral of any submittal items shall require prior approval by the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction plans and documents for review by the building official.
- (2) Submittal construction plans and documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal plans and documents have been approved by the building official in writing.
- (n) *Amended construction plans and documents.* Work shall be installed in accordance with the reviewed construction plans and documents, and any changes made during construction that are not in compliance with the approved construction plans and documents shall be resubmitted by the holder of the building permit for approval as an amended set of construction plans and documents.
- (o) *Retention of construction plans and documents.* One set of approved construction plans and documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work or as required by state or local laws.
- (p) *Compliance with conditions.* All permits shall be in compliance with all of the terms and conditions of all applicable zoning, special land use permit, variance, and special exception cases.
- (Ord. No. O2013-03-11, § 7-31, 4-9-2013)

Sec. 7-120. - Permit fees; revocation.

- (a) *Payment of fees.* A permit shall not be valid until the fees prescribed by the city council have been paid. No amendment to a permit shall be released to the applicant until the additional permit fee, if any, has been paid.
- (b) *Schedule of permit fees.* Permit fees for buildings, structures, mechanical, gas, plumbing, electrical, and fire systems shall be determined by the city council. The schedule of fees approved by the city council shall be maintained by the city clerk and the director shall also retain a copy available for public inspection.
- (c) *Related fees.* The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.
- (d) *Refunds.* The city council is authorized to adopt a written refund policy that applies to the refund of permit fees authorized by this chapter.
- (e) *Revocation of certificates.* A certificate of occupancy or certificate of completion issued pursuant to any provision of this chapter shall be suspended or revoked by the director, and considered void, if:
- (1) The permit application contains false or misleading information, or if the applicant omitted material facts in the application;

- (2) Changes or alterations in the type of permitted use or occupancy occur without approval required by this Code;
 - (3) Changes or violations of the conditions of the certificate occur without approval required by this Code;
 - (4) Alterations, additions or improvements to the building, structure or systems occur without approval or without obtaining all necessary permits required by this Code;
 - (5) The premises covered by the certificate are found to be in violation of any applicable provision of this Code, or of state or federal law or codes;
 - (6) The establishment is a threat or nuisance to public health, safety, or welfare.
- (f) No certificate of occupancy or certificate of completion shall be issued pursuant to any provision of this chapter to any applicant, business, or legally or organizationally related entity if within 12 months immediately preceding the filing of any application under this chapter the same applicant, business, or legally or organizationally related entity requesting a certificate has been denied a certificate or had a certificate revoked for any location based in whole or in part upon having furnished fraudulent or untruthful information in any application or having omitted any material facts in any application.

(Ord. No. O2013-03-11, § 7-33, 4-9-2013)

Sec. 7-121. - Demolition permits.

- (a) A demolition site plan shall be submitted as part of the permit application package. The demolition site plan shall depict the trees, structures, and impervious surfaces to be removed; location and size of all trees greater than six inches DBH; construction exits; tree-save areas; and best management practices for erosion control. Additionally, no demolition permit for a single-family detached residence shall be issued in a residential zoning district unless the applicant includes the original threshold elevation, if any, measured and certified by a licensed surveyor or engineer.
- (b) Only dead, diseased, or hazardous trees, as determined by a certified arborist, may be removed pursuant to a demolition permit.
- (c) An excavation site plan shall be submitted as part of the demolition permit application package when the purpose of the excavation is to locate current sewer lines in conjunction with an application for a variance from the front-door threshold elevation pursuant to this Code. The excavation site plan shall depict the boundaries of areas to be excavated, locations of storage areas for excavated materials, the location of structures and impervious surfaces, the location and size of all trees greater than six inches DBH in the footprint of the planned excavation, tree-save areas and best management practices for erosion control.
- (d) Applications for demolition permits require the signature of the property owner of record or owner's authorized representative.
- (e) Applications for structural demolition require submittal of a copy of the Georgia EPD Project Notification, if testing found no asbestos, or of the Georgia EPD Completion Notification, if asbestos was present and remediated.
- (f) A letter from a pest control company must be submitted with an application for a demolition permit, certifying that the property has been inspected within 30 days of the date of application for a demolition permit, and treated if evidence of infestation was found.

(Ord. No. O2013-03-11, § 7-31.2, 4-9-2013)

Sec. 7-122. - Temporary structures and uses.

- (a) *Generally.* The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one year. The building official is authorized to grant one written extension of one year. The request for extension shall be in writing and shall specify the justifiable cause.
- (b) *Conformance.* Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this chapter as necessary to ensure the public health, safety and general welfare.
- (c) *Temporary power.* The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion or occupancy has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code, as adopted in article II of this chapter.
- (d) *Termination of approval.* The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued for violation of the Code or applicable state or federal law.

(Ord. No. O2013-03-11, § 7-32, 4-9-2013)

Secs. 7-123-7-142. - Reserved.

DIVISION 4. - CERTIFICATE OF OCCUPANCY

Sec. 7-143. - Certificates of occupancy.

- (a) *Required.* No building or structure or portion thereof shall be occupied or a change made in the type of occupancy or the nature of the use of an existing building or part thereof until after an appropriate certificate as required by this section has been issued.
- (b) *Certificate of occupancy.*
 - (1) *Issuance.* A certificate of occupancy shall not be issued by the building official until the building, structure, and intended use comply with all applicable requirements of the zoning ordinance, all construction is complete, and all required final building, plumbing, mechanical, gas, electric, fire, health, vegetation protection, and site drainage inspections have been performed and approved.
 - (2) *Scope.* The certificate of occupancy certifies that all final inspections have been completed and the structure has been erected, to the best of the inspector's knowledge, in compliance with applicable Code requirements at the time of the issuance of the certificate. However, issuance of a certificate of occupancy shall not excuse the builder, contractor, tenant, or property owner from liability for any violation of the Code or any other applicable laws. Occupancy shall be limited to the area or portion of a building or structure defined by the building permit for which the certificate of occupancy is issued.
- (c) *Temporary certificate of occupancy.*
 - (1) *Scope.* A temporary certificate of occupancy may be issued for buildings or portions thereof for a specified period of time when it has been determined by the building official or designee that no outstanding Code violations or deficiencies exist and the building may be safely occupied for the use and time requested. A request for a temporary certificate of occupancy shall be made on such form as prescribed by the building official.

- (2) *Issuance.* A temporary certificate of occupancy for a part of a building or premises may be issued in accordance with the requirements of section 7-120, and the community development department director and/or his designee may impose such additional conditions and safeguards as are necessary in the circumstances of the case to protect the safety of the occupants and of the public. A temporary certificate of occupancy shall be issued for stated purposes only when construction has not been fully completed and all final inspections have not been performed.
- (3) *Revocation.* A temporary certificate of occupancy may be revoked at the option of the building official for any of the following reasons:
 - a. Violation of any building, plumbing, mechanical, electrical, fire safety, or site development codes or regulations.
 - b. Failure to complete any stage of construction and/or site improvements required by the building official in a timely manner.
 - c. Unauthorized occupancy or use of any part or portion of the building or structure other than the area or portion for which a temporary certificate of occupancy has been granted.
 - d. Any other conditions that may affect the health, safety, and welfare of persons or property.
- (d) *Certificate of completion.* A certificate of completion may be issued upon satisfactory completion of work for which a permit was issued, when a certificate of occupancy is not required. The certificate of completion does not grant authority to occupy a building or structure or change the type of occupancy or nature of use prior to the issuance of a certificate of occupancy.
- (e) *Contents of certificates.* Certificates shall contain the following:
 - (1) The building permit number (or in the case of a certificate of completion, the appropriate permit number).
 - (2) The address of the structure or work.
 - (3) The name and address of the owner.
 - (4) A description of that portion of the structure for which the certificate is issued.
 - (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this chapter.
 - (6) The name of the building official.
 - (7) The edition of the code under which the permit was issued.
 - (8) The use and occupancy, in accordance with the provisions of chapter 3 of the International Building Code.
 - (9) The type of construction as defined in chapter 6 of the International Building Code.
 - (10) If non-residential, the design occupant load.
 - (11) If an automatic sprinkler is provided, whether the sprinkler system is required.
 - (12) Any special stipulations and conditions of the building permit.
- (f) *Revocation of certificates.* The building official or designee may revoke certificates of occupancy, certificates of completion issued under provisions of this chapter, where it is shown that there have been either one or more of the following:
 - (1) Changes or alterations in construction, type of permitted use, or occupancy without written approval by the building official or designee.
 - (2) Changes or violations of the conditions of the certificate without written approval by the building official or designee.

- (3) Alterations, additions, or improvements to the building, structure, or systems without permits and inspections required by this chapter.
- (4) Violation of any zoning, building, plumbing, mechanical, electrical, fire safety, or site development codes or regulations.
- (5) Any condition that may affect the building, structure or service system which, in the opinion of the director, renders the building, structure or service system unsafe, dangerous, or uninhabitable.
- (6) After a certificate has been revoked, a valid certificate shall not be issued until all violations, changes, alterations, additions, or improvements meet all requirements of this chapter as determined by the building official.

(Ord. No. O2013-03-11, § 7-35, 4-9-2013)

Secs. 7-144-7-169. - Reserved.

DIVISION 5. - INSPECTIONS

Sec. 7-170. - Construction or work; approval and accessibility.

- (a) *Generally.* Construction or work for which a permit is required shall be subject to inspection by the building official, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of other applicable provisions of the Code. Inspections presuming to give authority to violate or cancel the provisions of this chapter or of other provisions of the Code shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for any expense entailed in the removal of any material required to allow inspection.
- (b) *Preliminary inspection.* Before issuing a permit, the building official is authorized to examine buildings, structures and sites for which an application has been filed.
- (c) Inspections are performed by the building official or the building official's designee. The building official is authorized to allow inspections by qualified third-party inspectors. Such inspections shall not be performed without prior written approval of the building official.
- (d) The building official may designate certain inspections to be performed as a combination inspection in accordance with established policies. For combination inspections, all affected trades must be ready for inspection prior to requesting the inspection.
- (e) In addition to inspections required in this section, permits for new construction and demolition will require pre-construction and final site inspections by the city land development inspector per Chapter 14.
- (f) *Required inspections.* The building official, upon notification, shall make the inspections set forth as follows:
 - (1) *Building.*
 - a. *Foundation and slab inspection.* To be made after trenches are excavated, forms are erected, and reinforcement is installed but before concrete is put in place. The appropriate silt and erosion control measures must be in place and functional.

- b. *Foundation survey.* For new single family residences, a foundation survey by a registered land surveyor is to be made after the forms are in place and submitted for approval. The foundation survey shall be approved prior to the pouring of concrete.
 - c. *Waterproofing inspection.* To be made prior to backfill of crawl space or basement foundation walls.
 - d. *Pre-cladding/sheathing inspection.* To be made after the roof and the wall bracing, are installed and prior to placement of exterior cladding. Rough inspections on trades need not be complete for pre-cladding inspection.
 - e. *Roof felt and sheathing inspection.* To be performed after roof felt is installed and prior to covering exterior wall sheathing with felt paper, house wrap, or siding.
 - f. *Framing (rough) inspection.* To be made after wiring, piping, chimneys, duct and vents to be concealed are in place and all fire blocking is in place. This inspection occurs before any insulation or wall coverings are installed.
 - g. *Final inspection.* To be made after the building or structure is completed in compliance with this Code and prior to issuance of the certificate of occupancy.
- (2) *Electrical.*
- a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, conduit or cable are installed, and before any backfill or concrete is put in place.
 - b. *Rough-in inspection.* To be made after the roof, framing, fire blocking, bracing, and wiring are in place and prior to the installation of insulation and wall and ceiling membranes.
 - c. *Final inspection.* To be made after the building or structure is complete; all required electrical outlets, switches, and fixtures are in place and properly connected or protected; and the building or structure is ready for occupancy.
- (3) *Plumbing.*
- a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, and piping installed, and before any backfill or concrete is put in place. The appropriate silt and erosion control measures must be in place and functional.
 - b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing are in place and all water, soil, waste, and vent piping is complete and prior to the installation of wall and ceiling membranes.
 - c. *Final inspection.* To be made after the building is complete, and all plumbing fixtures and appliances are in place and properly connected, and the structure is ready for occupancy.
 - d. *Testing.* Plumbing work and systems shall be tested as required in section 312 of the International Plumbing Code. Tests shall be made by the permit holder and observed by the building official.
- (4) *Mechanical.*
- a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, underground duct and fuel piping is installed, and before any backfill and concrete is put in place.
 - b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing are in place and all duct and fuel piping to be concealed are complete, and prior to the installation of wall and ceiling membranes.

- c. No mechanical equipment or ductwork is allowed to be installed in any building that is not adequately sealed from the weather. Any ductwork or equipment contaminated by stormwater must be replaced to prevent a potential mold issue or health hazard, as recommended by the DCA Mold Task Force.
 - d. *Final inspection.* To be made after the building is complete, the mechanical system and appliances are in place and properly connected, and the structure is ready for occupancy.
- (5) *Gas.*
- a. *Rough-in inspection.* To be made after all piping authorized by the permit has been installed and before any such piping has been covered and concealed or any fixtures or appliances have been connected.
 - b. *Final piping inspection.* To be made after all piping authorized by the permit has been installed, after all portions which are to be covered or concealed by wall and ceiling membranes, plastering, stone or brickwork have been so concealed, and before any fixtures or gas appliances have been connected. Log lighters shall be permitted separately and inspected.
 - c. *Testing.* This inspection shall include a gas pressure test.
 - d. *Final inspection.* To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by the new work or any changes, to ensure compliance with the requirements of this chapter and to assure that the installation and construction of the gas system is in accordance with reviewed plans.
- (6) *Energy.*
- a. *Insulation inspection.* To be made after all rough inspections are complete and approved and before exterior wall insulation is concealed by wall board to check installation of the exterior insulation envelope and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
 - b. *Final inspection.* To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances. Verification of compliance with all state amendments for the energy code in regards to sealing and compliance certificates where applicable and properly posted.
- (g) *Residential floodplain inspections.* For construction permitted in areas prone to flooding as established by table R301.2(1) of the International Residential Building Code, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of a certification of the elevation of the lowest floor, including basement, prepared by a registered professional engineer or land surveyor, as required in section R327 of the International Residential Building Code.
- (h) *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- (i) *Other inspections.* In addition to any other inspections, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this chapter and other applicable provisions of the code that are enforced by the city.
- (j) *Residential fire-resistance-rated construction inspections.* Where fire-resistance-rated construction is required between dwelling units or due to the location on the property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

- (k) The building official may designate required inspections for demolitions or for structures other than new buildings, alterations, or additions, such as pools, monument signs, cell towers, retaining walls, and other structures.
- (l) *Inspection agencies.* The building official is authorized to request and accept reports of approved inspection agencies, provided such agencies satisfy the requirements of this division.
- (m) *Special inspections.* When special inspections are required by Chapter 17 of the International Building Code, reports shall be submitted to the building official according to the approved schedule. All reports shall be reviewed and accepted by the building official prior to the issuance of the certificate of occupancy.
- (n) *Inspections requests.* It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide safe access to and a safe means for inspection of such work for any inspections that are required by this chapter.
- (o) *Approval required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.
- (p) *Re-inspection fees.* Re-inspection fees shall be required in accordance with the fee schedule as adopted by the city council when work performed is required to be re-inspected due to the following reasons:
 - (1) The re-inspection is not approved due to a failure to correct a code violation noted on a prior inspection;
 - (2) The job is not ready for inspection when an inspection is requested;
 - (3) The building or structure is not accessible, and inspection cannot be performed;
 - (4) Work to be inspected has been covered or concealed, and proper inspection cannot be performed; or
 - (5) Prior issuance of a stop work order requires re-inspection.
- (q) *Right-of-entry.* Inspections required under the provisions of this chapter shall be made by the building official or designee. Upon presentation of proper credentials, the building official or designee may enter the premises between 8:00 a.m. and 7:00 p.m. to perform any duty imposed by this chapter, provided that the building official or designee has consent to enter the premises or has obtained and presents an inspection warrant as described in this chapter.

(Ord. No. O2013-03-11, § 7-34, 4-9-2013)

Sec. 7-171. - Inspection warrants.

- (a) The building official, in addition to other procedures provided by law, may obtain an inspection warrant under the conditions specified in this section. The warrant shall authorize the building official to conduct a search or inspection of property without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.
- (b) Inspection warrants may be issued by any judge of the municipal court or the recorder's court when the issuing judge is satisfied that all the following conditions are met:

- (1) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property, or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property;
- (2) The issuing judge determines that the issuance of the warrant is authorized by this division and all other applicable law;
- (3) The warrant is attached to the affidavit required to be made in order to obtain the warrant;
- (4) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes a search or inspection;
- (5) The warrant indicates the conditions, objects, activities, or circumstances which the search or inspection is intended to check or reveal; and
- (6) The warrant refers, in general terms, to the provisions of the Code or state law sought to be enforced.

(Ord. No. O2013-03-11, § 7-39, 4-9-2013)

Secs. 7-172-7-195. - Reserved.

DIVISION 6. - ADDITIONAL RESTRICTIONS REGARDING CONSTRUCTION

Sec. 7-196. - Requirements for construction.

(a) Construction activity and deliveries shall be limited to:

Monday-Friday	7:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.

There shall be no construction activity or deliveries on Sundays, New Year's Day, Thanksgiving Day, Christmas Day, Memorial Day, July 4th or Labor Day unless such activity arises from an emergency which puts the site or neighboring property owners and their property at risk of harm or loss.

- (b) Dumpsters or any onsite waste disposal equipment may not be located on the street. If adequate traffic controls can be implemented, the director or designee may approve the placement of dumpsters and onsite waste disposal equipment on a street so long as the street has a paved width greater than 24 feet.
- (c) Portable toilets shall be located out of the right-of-way and at least 15 feet from any side property line.
- (d) Wherever possible, temporary parking shall be provided onsite and not on the street.
- (e) The applicant for construction on any lot shall be responsible for ensuring that all existing sewer services and taps from the buildings to the street are in operating condition prior to connection.

(Ord. No. O2013-03-11, § 7-31.1, 4-9-2013)

Sec. 7-197. - Utility service connections.

- (a) *Connection of service utilities.* No person shall make connections from a utility, or from a source of energy, fuel, or power, to any building or system that is regulated by this chapter for which a permit is required, until approved by the building official.

- (b) *Permanent electrical service connection.* Permanent electrical service connection and meter shall not be authorized until all required final building, plumbing, mechanical, gas, electrical, drainage, vegetation, fire and health inspections have been performed and approved by the appropriate city or state department or official, as applicable.
- (c) *Permanent gas service connection.* Permanent gas service connection and meter shall not be authorized until the gas supply house line has been tested, inspected and approved and all appliance and equipment connections have been inspected and approved.
- (d) *Temporary electrical and gas service connections.* Temporary electrical service, gas service and meter connections may be authorized for a specified period of time when the system has been inspected and found to be safe for the connections and use authorized. Such temporary service connections shall be authorized only for the following reasons:
- (1) Testing of appliances and equipment.
 - (2) To provide heat during the winter months to prevent freeze damage to water systems and equipment and including, but not limited to, installation of wallpaper or painting.
 - (3) Temporary occupancy of the building or structure only for the training of employees or stocking of merchandise.
 - (4) Single-tenant occupancy buildings and multi-tenant occupancy buildings for which temporary service connections have been authorized shall not be allowed access by the public for business activity other than those allowed in subsections (1), (2), and (3) of this section.
 - (5) Application for temporary service connections and meters shall be made on such forms as prescribed by the director.
- (e) *Authority to disconnect utility services.* The building official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by this chapter in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner and occupant of the building, structure, or service system shall be notified of the decision to disconnect utility service 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.
- (f) *Connection after order to disconnect.* No person shall make connections from any energy, fuel, or power supply or from any water distribution system or supply energy, fuel or water to any equipment regulated by this chapter that has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.
- (Ord. No. O2013-03-11, § 7-36, 4-9-2013)

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this _____ day of _____, 2017.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher Balch, City Attorney

Attest:

Susan Hiott, City Clerk

SEAL