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MEMORANDUM

To: Mayor and City Council

From: Steve Dush, Community Development Director
Michael Nier CBO, MCP, Chief Building Official

Date: March 12, 2012

Subject: Annual Building Code Update

BACKGROUND

In an effort to keep the building codes current and remedy any minor conflicts, staff is recommending the initiation of an annual code update to Chapter 8 of the City's Building Codes. Staff will monitor throughout the year any "housekeeping" items and bundle them together in this annual update and present them in the first quarter of each year. If there are substantive code changes that could have policy considerations, those changes will be brought independently. For the 2012 annual update, staff has identified 6 code revisions.

DISCUSSION

1. Change the dates of the National Electric Code and the Energy code to correspond with the adopted versions of the State of Georgia.
2. Adopt Appendix A from the 2006 International Building Code (IBC) to establish accreditation for the Building Official and Inspection Staff.
3. Allow specific waivers and exceptions, in accordance with state requirements, for installing high efficiency plumbing fixtures associated with remodeling projects.
4. Clarify roofing requirements when roofs are being replaced.
5. Establish an annual training meeting for the Construction Board of Appeals.
6. Align Building Code and Property Maintenance Code appeals timelines.

RECOMMENDATION

Staff recommends approval.

AN ORDINANCE AMENDING CHAPTER 8 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY REVISING CERTAIN BUILDING CODE PROVISIONS TO REMOVE CONFLICTS AND CONFORM TO STATE REQUIREMENTS

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody currently enforces building regulations as set out in Chapter 8 of the City of Dunwoody Code; and

WHEREAS, due to the shifting nature of building regulation requirements, the City Council desires to make yearly updates of the Code to properly advance the desired Policy of the Council as well as make sure the Code follows the State requirements.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby **ORDAIN** as follows:

ADDITIONS = UNDERLINED
DELETIONS = ~~STRIKETHROUGH~~

Section 1: Chapter 8 (Building Code) of the City of Dunwoody Code of Ordinances is hereby amended by revising Article I ("In General"), Section 8-1 in its entirety to read as follows:

Sec. 8-1. State Minimum Standard Codes

(a) It is hereby declared to be the intention of the Council to enforce and adopt the State Minimum Standards Codes as defined by O.C.G.A. § 8-2-20(9). The adoption also includes the latest edition of the following State Minimum Standard Codes, as adopted and amended by the state Department of Community Affairs, for all permits approved after the adoption of this Ordinance:

International Building Code	2006 edition
International Fuel Gas Code	2006 edition
International Mechanical Code	2006 edition
International Plumbing Code	2006 edition
National Electrical Code	2011 08 edition
International Fire Code	2006 edition
International Energy Conservation Code	2009 06 edition
International Residential Code	2006 edition
International Property Maintenance Code	2006 edition

- (b) The following appendices of said codes, as adopted and amended by the State Department of Community Affairs, are hereby adopted by reference as though they were copied herein fully:

International Mechanical Code	Appendix C
International Plumbing Code	Appendices C (state version), H, I (state version)
International Residential Code	Appendix G
International Energy Conservation Code	Appendices A, B, C, D (new per the state DCA)

- (c) The following codes, the latest editions as adopted and amended by the State Department of Community Affairs, or other applicable state agencies, are hereby adopted by reference as though they were copied herein fully:

Swimming Pool Code as adopted by the county board of health.

- (d) For all permits granted or approved by the County under earlier versions of any or all of these codes, it is hereby declared to be the intention of the Council to enforce the code under which the project was approved.

- (e) Amend the following adopted codes to reflect missing or jurisdictional information referenced through adoption:

(1) International Building Code:

- (i) Revise section 1612.3 to include "The flood insurance study for DeKalb county countywide FIRM and FIS effective 5-07-2001."

(ii) Adopt Appendix A (amended as follows):

1. Appendix A – Employee Qualifications

2. A101.1. Building Official.

The building official shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, five (5) years of which shall have been supervisory experience. The building official shall be certified as a Certified Building Official (CBO) through a recognized certification program. The building official shall hold all certifications and credentials of trades overseen or departments supervised (i.e. Certified Housing Code Official for Code Enforcement Supervision).

a. Building Officials not certified as certified (housing, building, plumbing, electrical or mechanical) code officials may have chief

inspectors for each trade maintaining their corresponding trade certifications.

3. A101.2. Chief Inspector.

The building official can designate supervisors to administer the provisions of the *International Building, Mechanical and Plumbing Codes, International Fuel Gas Code* and *ICC Electrical Code*. Each supervisor shall have at least 10 years' experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, five years of which shall have been in a supervisory capacity. They shall be certified through a recognized certification program for the appropriate trade.

4. A101.3. Inspector and plans examiner.

The building officials shall appoint or hire such number of officers, inspectors, assistants and other employees as shall be authorized by the jurisdiction. A person shall not be appointed or hired as inspector of construction or plans examiner who has not had at least five (5) years' experience as a contractor, engineer, architect, or as a superintendent, foreman or competent mechanic in charge of construction. The inspector or plans examiner shall be certified through a recognized certification program for the appropriate trade.

a. If Inspectors or plans examiners lack certifications for specific trades then the Building Official must have those certifications and supervise all inspections or plan reviews performed accordingly. The Inspector or plan reviewer is expected to be in active pursuit of obtaining lacking certifications within a time frame specified by the jurisdiction.

5. A101.3.5. Code Enforcement/Code Compliance Personnel.

a. Code Enforcement Official, or supervisory personnel under the direction of the building official must obtain and maintain Level II certification from GACE as well as ICC certification as a Property Maintenance and Housing Inspector and zoning inspector. Certified Code Enforcement Officer designation from the American Association of Code Enforcement is preferred.

b. Code Enforcement officers under the direction of the building official must obtain and maintain a Level I certification from GACE, which should be required for every Code Enforcement Officer as well as ICC certification as a Property Maintenance and Housing Inspector.

c. The Building Official and all inspectors and Plan reviewers must maintain their certifications as active in accordance with the certification program issuing the certification.

6. A101.4. Termination of employment is hereby deleted in its entirety.

(2) International Plumbing Code:

(i) Revise Section 305.6.1; insert "12 inches."

(ii) 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."

(iii) 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:

a. Specifically designed for use by person with disabilities;

b. Specifically designed to withstand unusual abuse or installation in a penal institution; or

c. Toilets for juveniles

- (3) National Electrical Code:
- (i) When a residential service change is installed, all receptacle outlets that are required under the current state adopted electrical code to be GFI outlets shall be modified to provide such protection, including bathrooms, kitchen counters, and outdoor receptacles.
 - (ii) When a residential service change is installed, all smoke alarms required for new construction must be installed per the requirement in the adopted residential code.
 - (iii) 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.
- (4) International Residential Code:
- (i) 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" minimum.
 - (6) Termite damage—Yes, very heavy.
 - (7) Winter design temp. for heating facilities—22 F.
 - (8) Ice Barrier Underlayment Required—No.
 - (9) Flood Hazards—Yes.
 - (10) Air Freezing Index—225.
 - (11) Mean Annual Temperature—55 F to 60 F.

Section 2: Chapter 8 (Building Code) of the City of Dunwoody Code of Ordinances is hereby further amended by revising Article II (“Administrative Procedures for Enforcement of Adopted Codes”), Section 8-27 (“Permits”), subsection (h)(6)a.5. in its entirety to read as follows:

Sec. 8-27. Permits

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(6) *Required Inspections*

a. *Building.*

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5. *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 as follows:

For Existing Homes having the roof replaced, the inspection shall consist of:

Valley flashing consisting of either

- (1) Metal flashing at least twenty-four (24) inches wide having no less than twelve (12) inches on either side of the valley;
- (2) Self-sealing flashing shall be installed at least 36 inches wide having no less than eighteen (18) inches on either side of the valley; OR
- (4)(3) Roll roofing shall be installed at least 36 inches wide having no less than eighteen (18) inches on either side of the valley.

Metal drip edge shall be installed at all roofing edges of roofs coverings of Asphalt shingles.

NOTE: Dunwoody falls within the moderate to high Hail zone outlined in the Residential Code Figure 903.5, which only permits a single layer of Asphalt roof shingles to be installed

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Section 3: Chapter 8 (Building Code) of the City of Dunwoody Code of Ordinances is hereby further amended by further revising Article II (“Administrative Procedures for Enforcement of Adopted Codes”), Section 8-29 (“Construction Board of Adjustment and Appeals”), subsections (d)(3) and (e) to read as follows:

Sec. 8-29. Construction Board of Adjustment and Appeals

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...

(d) *Appeals*

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(3) *Notice of Appeal.* Notice of appeal shall be in writing and filed within twenty (2030) calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official and shall state with specificity the grievance(s) of the appellant and detail objections to specific determinations and decisions of the building official. Any objection and grievance not specifically addressed in the notice of appeal shall be considered waived by the appellant.

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(e) *Rules and Regulations*

(1) *Establishment.* The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of these procedures. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

(2) *Decisions.* The construction board of adjustments and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of the construction codes, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final, subject to such remedy as any aggrieved party might have at law or in equity.

(3) *Training/Education.* The Board shall meet at least once a year for a training session that will cover code, procedures or City Ordinances.

#I.9.

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2012-03-XX

Section 4: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2012.

Approved:

Mike Davis, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney