
MEMORANDUM

To: Mayor and City Council

From: Steve Dush, AICP
Community Development Director

Date: August 12, 2013

Subject: **Annual Amendments to the International Property Maintenance Code (IPMC)**

ITEM DESCRIPTION

In an ongoing effort to ensure the City's codes are up-to-date, relevant, and incorporate best practices, staff is presenting various amendments to the International Property Maintenance Code (IPMC). The proposed ordinance includes revisions to reconcile terms and language betwixt the IPMC and the City's stormwater requirements as well as changes to provide greater flexibility with respect to providing notice of violations that will help ensure the safety of our residents.

RECOMMENDED ACTION

Staff recommends Mayor and City Council adopt the ordinance.

AN ORDINANCE OF THE CITY OF DUNWOODY ADOPTING AMENDMENTS TO THE 2006 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF DUNWOODY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and City Council of the City of Dunwoody are charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Mayor and Council previously adopted the 2006 edition of the International Property Maintenance Code for the purpose of preserving and ensuring the safety of property, buildings and structures in the City; and

WHEREAS, the City hereby desires to adopt additional amendments to the 2006 edition of the IPMC, as revised by the State of Georgia in 2009, and as further amended, in order to streamline the procedures and process of enforcement as well as other amendments to preserve the health, safety and welfare of the City.

THEREFORE, THE MAYOR AND THE CITY COUNCIL FOR THE CITY OF DUNWOODY HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That a certain document, three (3) copies of which are on file in the City of Dunwoody, one (1) at the office of the City Clerk and two (2) at the office of Community Development, being marked and designated as the International Property Maintenance Code, 2006 edition, as published by the International Code Council, as Amended by the State of Georgia in 2009, is hereby readopted as the Property Maintenance Code of the City of Dunwoody for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the in the offices stated above are hereby referred to, adopted and made part of as if fully set out in this ordinance with the additions, insertions, deletions and changes prescribed in Section 2 and Section 3 of

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this ordinance.

SECTION 2. The following sections are hereby revised:

Section 101.1 Insert "*City of Dunwoody*".

Section 103.1 Change "Department of Property Maintenance" to "Department of Community Development."

Section 103.5 Delete section and Insert "*Fees shall be as determined by the Authority having Jurisdiction and appropriately posted.*"

Section 106.2 Add Sentence: "*A citation without prior notice of violation maybe be served upon owner of property where a notice of any violation had previously been served within a 24-month period prior to the new violation.*"

Section 106.4. Add Sentence: "*Penalties assessed for each violation shall be either a fine of up to \$1,000 or a term of incarceration of up to 6 months, or both.*"

Section 107.1 is amended in its entirety to read as follows:

Notice to person responsible: Whenever the Building Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, the Building Official may, but is not required to, provide notice of same prior to issuing a citation or accusation for said violation. If a notice is issued, it is given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with Section 108.3. The Building Official shall have the power to issue subpoenas requiring occupants, residents, owners or parties in interest of buildings under inspection, investigation or who have been accused of a violation of this Chapter to appear in Dunwoody Municipal Court. The Building Official or his designee shall also have the power to issue subpoenas to occupants, residents, owners or parties in interest to produce written records related to the property under inspection or investigation.

Section 302.4 Insert "*10 inches*"

Section 304.14 Insert "*April 1st and October 1st*".

Section 602.3 Insert "*November 1st and April 1st*"

Section 602.4 Insert "*November 1st and April 1st*"

SECTION 3. The following sections are hereby inserted:

Section 507. STORM DRAINAGE

Section 507.1. *General.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Section 507.2. *Existing Stormwater Management Facilities.* Where no maintenance covenant or agreement has been recorded to define maintenance responsibility, it shall be the responsibility of the property owner to maintain the operational characteristics of any stormwater management facility (including ditches, pipes, and detention basins) located on their property pursuant to City requirements, and as designed, to keep the access easements free of obstructions, and to maintain the facility free of obstruction, silt or debris.

Section 507.3. *Stormwater Management Facilities.* Stormwater management facilities shall be maintained such that the storage capacity and/or function of any stormwater basin, pond or other impoundment, whether natural or manmade, shall not be removed or diminished without written approval of the City.

Section 507.4. *Maintain.* The term "maintain" shall include removal of sediment, vegetative growth, debris or trash that reduces or hinders the facility from performing as intended.

Section 507.5. *Inspection.* Inspection programs by the City may be established on any reasonable basis, including but not limited to: routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Provide copies of annual inspections of private stormwater management facilities to the City of Dunwoody.

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The City of Dunwoody hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections or subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance or in the property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in

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any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing, or under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SO ORDAINED AND EFFECTIVE, this ___ day of _____, 2013.

Approved:

Michael G. Davis, Mayor

Attest:

Sharon Lowery, City Clerk
Seal

Approved as to Form and Content:

City Attorney