



MEMORANDUM

To: Mayor and City Council

From: Steve Dush, AICP
Community Development Director

Date: July 8, 2013

Subject: Text Amendment to City of Dunwoody Buildings and Building Regulations Ordinance

BACKGROUND

When the City of Dunwoody began the Zoning/ Land Development Code Rewrite in early 2012, two of the primary objectives in undertaking the project were to (1) prepare development regulations (substantive standards and procedures) that are illustrated and as easy to use, administer and enforce as possible and (2) better integrate and reference other development regulations. In order to achieve these objectives, a notion, first raised by the Zoning Code Rewrite Sounding Board, was discussed at length to increase building quality, durability, sustainability, and longevity while revitalizing areas zoned for uses other than those that currently exist on the site. As such, changes to the Buildings and Building Regulations Ordinance that will require any commercial, office, apartment, or condominium building greater than three (3)-stories in height to be framed with noncombustible materials such as metal and/or concrete are outlined for consideration. Currently, the ordinance specifies anything up to five (5)-stories above grade can be framed with light frame materials, and any structures taller than five (5)-stories above grade must be framed with more durable materials that typically include metal and/or concrete.

According to the Uniform Codes Act, local governments may, under certain conditions, adopt local amendments to the state minimum standard codes so long as the requirements are more stringent. The list of procedures is attached for your reference. If the Mayor and Council wish to explore amendments further, then a transmittal resolution must be adopted, asking the Georgia Department of Community Affairs (DCA) to review and provide recommendations based upon our proposed text. After submittal of the proposed amendment, DCA will have 60 days to produce a non-binding recommendation, after which the Mayor and Council may proceed with formal adoption.

RECOMMENDATION

While DCA does not approve or disapprove any local amendment, the department does provide a recommendation in one of three ways: recommending adoption of the amendment, recommending the amendment not be adopted, or having no comment on the proposal. Once DCA provides this non-binding recommendation, the Mayor and Council may adopt the proposed local amendment.



In order to advance the aforementioned, the following amendment to the City Ordinance is proposed in RED:

Section 8-1. State minimum standard codes.

(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.
- (iii) Revise section 602, Construction Classification
Any new building or structure designed or intended to be more than three (3)-stories in height in any respect and to encompass or otherwise enclose habitable or otherwise occupiable space shall, irrespective of any conflicting allowances or provisions of any other standard, code or ordinance having force and effect in the corporate limits of the City of Dunwoody Georgia, be of Type I or Type II construction defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia.

**A RESOLUTION TO TRANSMIT CODIFICATION OF CITY CODE CHAPTER 8,
BUILDINGS AND BUILDING REGULATIONS, TO THE GEORGIA DEPARTMENT OF
COMMUNITY AFFAIRS FOR THE CITY OF DUNWOODY**

WHEREAS, the City of Dunwoody was incorporated and created by Charter granted by the State of Georgia, effective December 1, 2008, after a positive referendum vote; and

WHEREAS, the City of Dunwoody is subject to O.C.G.A. Section 8-2-25; and

WHEREAS, the Uniform Codes Act provides that the City of Dunwoody, Georgia may, under certain conditions adopt local amendments to the state minimum standard codes; and

WHEREAS, the requirements in the proposed amendment cannot be less stringent than the requirements in the state minimum standard code; and

WHEREAS, the local requirements must be based upon local climate, geologic, topographic, or public safety factors; and

WHEREAS, the legislative findings of the City of Dunwoody must identify the need for the more stringent requirements; and

WHEREAS, the City of Dunwoody, in accordance with DCA requirements, would like DCA to review and comment in regards to the potential adoption of a local amendment that would require all construction greater than three (3)-stories to be constructed of metal or concrete framing effectively prohibiting wood framing which is currently allowed; and

WHEREAS, the City of Dunwoody must submit the proposed amendment to DCA 60 days prior to the proposed adoption of such an amendment; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Dunwoody hereby transmits the attached proposed local amendment to Georgia Department of Community Affairs (DCA) for review and recommendation.

SO RESOLVED AND EFFECTIVE, this 22nd day of July, 2013.

Approved:

Mike Davis, Mayor

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2013-XX-XX

Attest:

Sharon Lowery, City Clerk

(Seal)

O.C.G.A. § 8-2-25 (Copy w/ Cite)

Pages: 4

O.C.G.A. § 8-2-25

GEORGIA CODE
Copyright 2012 by The State of Georgia
All rights reserved.

*** Current Through the 2012 Regular Session ***

TITLE 8. BUILDINGS AND HOUSING
CHAPTER 2. STANDARDS AND REQUIREMENTS FOR CONSTRUCTION, ALTERATION, ETC., OF
BUILDINGS AND OTHER STRUCTURES
ARTICLE 1. BUILDINGS GENERALLY
PART 2. STATE BUILDING, PLUMBING, AND ELECTRICAL CODES

O.C.G.A. § 8-2-25 (2012)

§ 8-2-25. State-wide application of minimum standard codes; codes requiring adoption by municipality or county; adoption of more stringent requirements by local governments; adoption of standards for which state code does not exist; exemption for certain farm buildings or structures

(a) On and after July 1, 2004, the state minimum standard codes enumerated in subdivisions (9)(A)(i)(I) through (9)(A)(i)(VIII) and (9)(B)(i)(I) through (9)(B)(i)(VIII) of Code Section 8-2-20 shall have state-wide application and shall not require adoption by a municipality or county. The governing authority of any municipality or county in this state is authorized to enforce the state minimum standard codes enumerated in this subsection.

(b) The state minimum standard codes enumerated in subdivisions (9)(A)(i)(IX) through (9)(A)(i)(XIV) and (9)(B)(i)(IX) through (9)(B)(i)(XI) of Code Section 8-2-20 shall not be applicable in a jurisdiction until adopted by a municipality or county. The governing authority of any municipality or county in this state is authorized to adopt and enforce the state minimum standard codes enumerated in this subsection in that subject area which is being regulated by the municipality or county, and a copy of the local ordinance or resolution adopting any such code shall be forwarded to the department in order that such municipality or county may be apprised of subsequent amendments in the state minimum standard code so adopted.

(c) (1) In the event that the governing authority of any municipality or county finds that the state minimum standard codes do not meet its needs, the local government may provide requirements not less stringent than those specified in the state minimum standard codes when such requirements are based on local climatic, geologic, topographic, or public safety factors; provided, however, that there is a determination by the local governing body of a need to amend the requirements of the state minimum standard code based upon a demonstration by the local governing body that local conditions justify such requirements not less stringent than those specified in the state minimum standard codes for the protection of life and property. All such proposed amendments shall be submitted by the local governing body to the department 60 days prior to the adoption of such amendment. Concurrent with the submission of the proposed amendment to the department, the local governing body shall submit in writing the legislative findings of the governing body and such other documentation as the local governing body deems helpful in justifying the proposed amendment. The department shall review and comment on a proposed amendment. Such comment shall be in writing and shall be sent to the submitting local government with a recommendation:

(A) That the proposed local amendment should not be adopted, due to the lack of sufficient evidence to show that such proposed local amendment would be as stringent as the state minimum standard codes and the lack of sufficient evidence to show that local climatic,

geologic, topographic, or public safety factors require such an amendment;

(B) That the proposed local amendment should be adopted, due to a preponderance of evidence that such proposed local amendment would be as stringent as the state minimum standard codes and a preponderance of evidence that the local climatic, geologic, topographic, or public safety factors require such an amendment; or

(C) That the department has no recommendation regarding the adoption or disapproval of the proposed local amendments, due to the lack of sufficient evidence to show that such proposed local amendment would or would not be as stringent as the state minimum standard codes and the lack of sufficient evidence to show that local climatic, geologic, topographic, or public safety factors require or do not require such an amendment.

(2) The department shall have 60 days after receipt of a proposed local amendment to review the proposed amendment and make a recommendation as set forth in paragraph (1) of this subsection. In the event that the department fails to respond within the time allotted, the local governing body may adopt the proposed local amendment.

(3) In the event that the department recommends against the adoption of the proposed local amendment, a local governing body shall specifically vote to reject the department's recommendations before any local amendment may be adopted.

(4) No local amendment shall become effective until the local governing body has caused a copy of the adopted amendment to be filed with the department. A copy of an amendment shall be deemed to have been filed with the department when it has been placed in the United States mail, return receipt requested.

(5) Nothing in this subsection shall be construed so as to require approval by the department before a local amendment shall become effective.

(6) The department shall maintain a file of all amendments to the state minimum standard codes adopted by the various municipalities and counties in the state, which information shall be made available to the public upon request. The department may charge reasonable fees for copies of such information. An index of such amendments shall be included in each new edition of a state minimum standard code.

(7) At the time of issuing a building permit, the issuing county or municipality shall notify the holder of the permit of any local amendments to the state minimum standard codes which are in effect for that county or municipality and that any such amendments are on file with the department. A county or municipality may satisfy this notice requirement by posting or providing a summary of the topic of such local amendment or amendments and the address and telephone number of the department.

(d) Except as otherwise provided in subsection (c) of this Code section, building related codes or ordinances dealing with the subjects of historic preservation, high-rise construction, or architectural design standards for which a state minimum standard code does not exist may be adopted by a local jurisdiction following review by the department. The department's review shall be limited to a determination that the proposed code or ordinance is consistent with the approved state minimum standard codes when common elements exist and is not less restrictive than the requirement of said codes. Changes to all other state minimum standard codes shall be approved only pursuant to the provisions of this Code section regarding local amendments.

(e) (1) As used in this subsection, the term:

(A) "Agriculture," "agricultural operations," or "agricultural or farm products" has the meaning provided by Code Section 1-3-3.

(B) "Farm" means real property or a portion thereof used for agricultural operations.

(C) "Farm building or structure" means a building or structure that is located on a farm and designed by the USDA Natural Resources Conservation Service (NRCS), not used for residential purposes, not intended primarily for public use, and used primarily for or in connection with agricultural operations for the sole purposes of manure storage and animal mortality composting or winter feeding and following the standards and specifications of NRCS practice codes 313 -- Waste Storage Facility and 317 -- Composting Facility as detailed in the USDA NRCS Field Office Technical Guide as such existed on January 1, 2011.

(2) Farm buildings or structures shall be exempt from the state minimum standard building codes provided for in subdivisions (9)(B)(i)(I) and (9)(B)(i)(IX) of Code Section 8-2-20 and any amendment thereto adopted by the department pursuant to Code Section 8-2-23 or by a municipality or county pursuant to this Code section.

HISTORY: Ga. L. 1969, p. 546, § 5; Ga. L. 1980, p. 1316, § 5; Ga. L. 1982, p. 3, § 8; Ga. L. 1989, p. 1659, § 7; Ga. L. 1990, p. 1364, § 2; Ga. L. 2000, p. 452, § 1; Ga. L. 2004, p. 551, § 5; Ga. L. 2011, p. 352, § 1/ HB 223; Ga. L. 2012, p. 775, § 8/ HB 942.