



MEMORANDUM

To: Mayor and City Council
From: Steve Foote, AICP
Date: January 12, 2015
Subject: Text Amendment to City of Dunwoody Buildings and Building Regulations Ordinance

BACKGROUND

The State has adopted new mandatory State Minimum Standard Codes, as well as two permissive State Minimum Standard Codes, effective January 1, 2015. The amendments before you tonight implement the applicable changes that will be required by state law in 2015. Additionally, the proposed changes make amendments for the following: 1) the existing code cites the specific edition of each document, and this amendment revises that to prevent any inconsistencies/discrepancies with newly state-adopted versions in the future; and 2) a fine for the removal of a stop work order is duplicated from its original location in Section 24-5.

RECOMMENDATION

The recommended changes to City Code Chapter 8 are attached.

Chapter 8 - BUILDINGS AND BUILDING REGULATIONS

FOOTNOTE(S):

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State Law reference— Municipal home rule, Ga. Const. art. IX, § II, O.C.G.A. § 36-35-1 et seq.; building trade contractors, O.C.G.A. § 43-14-1 et seq.; enforcement of adopted codes, O.C.G.A. § 8-2-26; state minimum standards codes, O.C.G.A. § 8-2-21; minimum standard codes to have uniform application throughout the state, O.C.G.A. §§ 8-2-25, 8-2-28. [\(Back\)](#)

ARTICLE I. - IN GENERAL

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, permissive codes, and their appendices 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 edition
International Fire Code	2006 edition
International Energy Conservation Code	2009 edition
International Residential Code	2006 edition
International Property Maintenance Code	2006 edition
<u>International Existing Building Code</u>	
<u>Georgia Residential Prescriptive Deck Detail</u>	

<u>International Energy Conservation Code</u>	
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~~(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)

(eb) The following codes, the latest editions as adopted and amended by the state department of community affairs, or other applicable agencies, are hereby adopted by reference as though they were copied herein fully:

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

(ec) 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.

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

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Sec. 8-26. - Building official.

(a) *Generally.* The building official is hereby authorized and directed to enforce the provisions of the construction codes. The building official is further authorized to render interpretations of the construction codes which are consistent with their intent and purpose. The city may contract with a third party to provide the duties of the building official.

(b) *Right of entry.*

(1) Whenever necessary to make an inspection to enforce any of the provisions of the construction codes, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical, or plumbing systems unsafe, dangerous, or hazardous, the building official may enter such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by these construction codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or

control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

- (2) When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to the construction codes.
- (c) *Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Removal of the stop work order without the approval of the building official carries a fine of up to \$1,000 for each offense.

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**AN ORDINANCE AMENDING CHAPTER 8 OF THE CITY OF
DUNWOODY CODE OF ORDINANCES BY**

- 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, as part of those regulations, has adopted the State-adopted Minimum Standard Codes; and
- WHEREAS,** the State of Georgia has adopted new versions of such Codes effective on January 1, 2015; and
- WHEREAS,** the Mayor and City Council find that in order to continue proper enforcement of said codes, the City should adopt the revised codes to prevent any inconsistencies and discrepancies between the City’s enforcement rules and the rules newly adopted by the State.

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

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 (“State Minimum Standard Codes”) 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, permissive codes, and their appendices 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

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National Electrical Code	2011 edition
International Fire Code	2006 edition
International Energy Conservation Code	2009 edition
International Residential Code	2006 edition
International Property Maintenance Code	2006 edition
<u>International Existing Building Code</u>	
<u>Georgia Residential Prescriptive Deck Detail</u>	
<u>International Energy Conservation Code</u>	

~~(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 E
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)

~~(eb)~~ The following codes, the latest editions as adopted and amended by the state department of community affairs, or other applicable agencies, are hereby adopted by reference as though they were copied herein fully:

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

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- | (~~dc~~) 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.
- | (~~ed~~) Amend the following adopted codes to reflect missing or jurisdictional information referenced through adoption:

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Section 2: Chapter 8 (Building Code) of the City of Dunwoody Code of Ordinances is hereby amended by revising Article II ("Administrative Procedures for Enforcement of Adopted Codes"), Section 8-26(c) ("Building Official") to read as follows

Sec. 8-26. - Building official.

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(c) *Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Removal of the stop work order without the approval of the building official carries a fine of up to \$1,000 for each offense.

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Section 3: 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 _____, 2015.

Approved:

Michael G. Davis, Mayor

#M.8.

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ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Office of City Attorney