

Chapter 5 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec 5-1. Administration

Provisions of the following chapters, sections and technical codes shall constitute and be known and be cited as the “Duluth Building Code” hereinafter known as “this Code.”

a) Purpose:

The purpose of the Duluth Building Code is to provide standards to help protect the public’s life, health, and welfare in the built environment through the administration and enforcement of the Regulatory Codes as adopted in Article III of this Code and enforced by the City of Duluth. From time to time as future editions and amendments to these Regulatory Codes are published and adopted by the State of Georgia, they shall become a part of and/or replacement for these Regulatory Codes and shall be enforced on the date as mandated by State Law.

b) Definitions:

The definitions or terminology for the listed International and State Codes shall be as described in Chapter 2 of each technical Codes and Chapter 1, Article 100 of the National Electrical Code.

Sec. 5-2. Code Remedial

This Code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof – which are public safety, health and general welfare – through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical, and plumbing systems, which may be referred to as service systems. This amended Chapter 1 is intended to provide for the administrative aspects for each of the referenced International Building Codes, the Georgia State Codes, the National Electrical Code and the International Residential Code.

a) Code Update and Replacement:

As future new editions of the adopted referenced codes are published and adopted by the State of Georgia they shall become at that time the replacement for these codes, and shall become enforceable on the date as mandated by State Law. Revisions to these codes shall become enforceable

only upon incorporation into new editions of the aforementioned codes, generally in three year cycles, or as mandated by State Law.

b) Quality Control:

Quality control of materials and workmanship is not within the purview of this Code.

c) No Representation or Warranty:

This code shall not create any duty or right of recovery against the City of Duluth's officials and employees. The inspection or permitting of any building or plan by the City of Duluth, under the requirements of this Code, is not intended to be construed as a representation or warranty of the physical condition of such building or the adequacy of such plans. Neither the City of Duluth nor any official or employee thereof shall be liable for damages to person or property for any defect or hazardous or illegal condition or inadequacy in such building, system or plans, nor for any failure of any component of such. Neither the City of Duluth nor any of its officials or employees shall have any liability for any act or failure to act pursuant to the provisions of this Code.

Sec. 5-3. Scope

This Code shall serve to supplement the Scope and Administration section of each of the adopted Regulatory Codes identified in Chapter 5 Article III of the Duluth Municipal Code.

a) Building:

The provisions of the International Building Code, as amended, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures. The provisions of the International Residential Code, as amended, shall apply to one and two family dwellings.

b) Energy Conservation:

The provisions of the International Energy Conservation Code, as amended, shall require the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment which will enable the effective use of energy in all new building construction.

c) Electrical:

The provisions of the National Electrical Code, as amended, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereof. The provisions of Chapters 34 through 42 of the International Residential Code, as amended, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereof for one and two family dwellings.

d) Gas:

The provisions of the International Fuel Gas Code, as amended, shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.

e) Mechanical:

The provisions of the International Mechanical Code, as amended, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

f) Plumbing:

The provisions of the International Plumbing Code, as amended, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, and when connected to a water or sewerage system whether public or private.

g) Swimming Pool:

The provisions of the International Swimming Pool and Spa Code, as amended, shall apply to the protection of the public health, safety and welfare by prescribing minimum standards for the design, construction or installation, repair and alterations of swimming pools, public or private, and equipment related thereto; and shall require permitting and inspection, therefore, providing the administration and enforcement of the standards set forth herein. This Code is not intended to supersede the Swimming Pool and Spa Code as enforced by the Duluth Department of Planning and Development and the Gwinnett County Environmental Health Department nor any State or Federal

regulations. Whenever there is a conflict between these codes or regulations the stricter shall apply.

h) Federal and State Authority:

The provisions of this Code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of adoption of this Code, or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

i) Appendices:

Only those appendices which are either specifically mentioned in the adopting ordinance and included in the Amendments of this Code or specifically referenced in the text of this Code are intended to be enforced.

j) Referenced Standards:

Standards referenced in this Code shall be considered an integral part of this Code without separate adoption. When specific portions of a standard are denoted in the text of this Code, only those portions of the standard shall be enforced; and where provisions of this Code conflict with a standard, the provisions of this Code shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

k) Maintenance:

All buildings, structures, electrical, gas, mechanical, plumbing and energy conservation systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards required by this Code at the time of construction, alteration or repair, shall be maintained in good working order. The party responsible for the continual maintenance of a building, structure, or electrical, gas, mechanical, energy conservation and plumbing systems shall be the Owner, or his or her designated agent.

ARTICLE II. BUILDING INSPECTION DEPARTMENT

Sec. 5-4. Enforcement Authority

The Department of Planning and Development as referenced in this Code shall be the enforcing authority of this Code.

Sec. 5-5. Building Official

There is hereby designated the office of the Building Official of the City, which Building Official shall have the duty to inspect all construction requiring permits within the city limits which inspection shall be conducted in accordance with the applicable building, plumbing, electrical, heating and air conditioning codes of the city to be certain that all such construction is in compliance with the applicable code or code. The Building Official shall be the Director of Planning and Development, or his or her designee.

Sec. 5-6. Authority of Building Official

The Building Official shall have all of the rights, powers and authorities as provided for the zoning enforcement officer under the Unified Development Code of the city as such provisions may relate to powers of the zoning enforcement officer in connection with construction of improvements on real property within the city limits and shall have all of the powers under the city building, plumbing, electrical, heating, air conditioning and ventilating codes regardless of the title assigned such enforcement officer in any such codes.

Sec. 5-7. Enforcement of Codes

The building, plumbing, electrical, mechanical (heating, air conditioning and ventilating), gas and one and two family dwelling codes or other such codes which may be adopted by the city council related to the construction, renovation, maintenance or repair of existing or new buildings or structures located within the city shall be enforced by the Building Official.

Sec. 5-8. Approval of Forms, Applications

Those certain forms used in the administration and enforcement of this chapter, specifically an application for building permit, application for electrical permit, application for heating permit, application for plumbing permit, occupancy permit and monthly reporting statement, are adopted and made part of this article. Such applications shall be accompanied by all other documents required by this code and city ordinance including, but not limited to, the Unified Development Code, the building codes, heating, air conditioning and ventilation code, the electrical code and the plumbing code of the city.

Sec. 5-9. Records

The Building Official shall keep, or cause to be kept, a record of the business of the Department. These records shall be open to public inspection.

Sec. 5-10. Existing Buildings

The provisions of the International Existing Building Code, as amended, shall apply to matters governing the repair, alterations, change of occupancy, addition to and relocation of existing buildings as identified below.

- a) Alterations, Repairs or Rehabilitation:

Alterations, repairs or rehabilitation work may be made to any existing structure, building or electrical, gas, mechanical, energy conservation and plumbing systems without requiring the existing building, structure or electrical, gas, mechanical, energy conservation and plumbing systems to comply with all the requirements of this Code; provided that all new alteration, repair or rehabilitation work conforms to the requirements of this Code for new construction. The Building Official shall also determine the extent to which any of the existing systems shall be made to conform to the requirements of this Code for new construction.

b) Change of Occupancy:

Whenever the occupancy classification of any existing building or structure is proposed to be changed, the building, structure, or gas, electrical, mechanical, plumbing and energy conservation systems shall be made to conform to the intent of this Code for new construction. Complete plans shall be submitted and reviewed by the Building Official prior to the issuance of the building permit.

c) Special Historical Buildings:

The provisions of this Code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified by local, state or federal agencies as Historic Buildings, when such buildings or structures are judged to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within the jurisdictional area of the City of Duluth. The extent of codes compliance shall be determined jointly by the Building Official and the Gwinnett County Fire Marshal prior to any work starting. The applicant shall submit complete architectural and engineered plans, with specifications, bearing the seal and signature of a professional architect or engineer registered with the State of Georgia for review by the Building Official prior to the issuance of the building permit

Sec. 5-11. Powers and Duties of the Building Official

The Building Official is hereby authorized and directed to enforce the provisions of this Code, which includes the technical codes. The Building Official is further authorized to render interpretations of these Codes, which are consistent with their spirit and purpose. The Building Official shall reserve the right to confer with other applicable departments or agencies before rendering a decision, whenever the work being done also involves their respective areas of enforcement.

a) Right of Entry:

Any owner, applicant or agent thereof, upon submitting a request for a permit and/or accepting the permit issued pursuant to this Code shall constitute an agreement of consent to allow the Building Official, or his or her authorized representative, to conduct an inspection to enforce any of the provisions of this Code; 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, or electrical, gas, mechanical, plumbing and energy conservation systems unsafe, dangerous or hazardous; or construction occupied, without proper written releases, the Building Official, or his or her authorized representative, 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 this Code; provided that if such building or premises is occupied, he or she shall first present the City of Duluth I.D. badge or proper credentials and request entry. If such building, structure or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner, his or her agent or other persons having charge or control of such to request entry and obtain consent to enter. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

b) Prompt Entry:

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 this Code. No person shall in any way obstruct, hamper or interfere with any such representative of the Building Official while in the process of carrying out his or her official duties. Refusal of entry or access, or interference with the representative of the Building Official, shall be deemed in violation of this construction code and shall result in penalties as prescribed herein.

c) Stop Work Orders:

The Building Official is hereby authorized to suspend or invalidate such permits, order that all unauthorized or improper work be stopped, direct correction of deficiencies, issue summons to any court of competent jurisdiction, or take any other legal or administrative action appropriate to the severity of the violation and degree of threat to the public health, safety and welfare. Upon notice from the Building Official, work on any building, structure, or electrical, gas, mechanical, energy conservation and plumbing

system that is being done contrary to the provisions of this Code or the technical codes or in a dangerous or unsafe manner, shall immediately cease. The Building Official shall cause to be issued a "Stop Work Order" for the entire project. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work on the entire project may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work. Whenever other City or County agencies issue similar "Notice of Violations" or "Stop Work Orders" the Department will respect the same. Erosion control measures shall be effectively in place and maintained throughout the course of construction by the owner or prime contractor or "Notice of Violation" warnings and "Stop Work Orders" shall be issued.

d) Revocation of Permits:

The Building Official is hereby authorized to revoke a permit or revoke written release for any of the following.

1. Misrepresentation of Application.

The Building Official is hereby authorized to revoke a permit or revoke written release when issued under the provisions of this Code whenever there has been any false statement or false payment of permit fees or misrepresentation as to the material fact in the application or plans on which the permit or written release was based.

2. Violation of Code Provisions.

The Building Official is hereby authorized to revoke a permit whenever the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure or electrical, gas, mechanical, energy conservation and plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this Code and shall result in penalties as prescribed herein.

3. Unsafe Buildings or Systems.

All buildings, structure or electrical, gas, mechanical, energy conservation and plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe building or service systems. All such unsafe buildings, structures, energy conservation or service systems are hereby illegal and shall be abated by repair and rehabilitation or by

demolition in accordance with the provisions of the City of Duluth Property Maintenance Code.

4. Requirements not Covered by Code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, or electrical, gas, mechanical and plumbing system, or for the public health and general welfare, not specifically covered by this Code, including the technical codes, shall be determined by the Building Official.

e) Alternative Materials and Alternate Methods of Construction:

The provisions of this Code, including the technical codes, are not intended to prevent the use of any material or method of construction not specifically prescribed by this Code, provided any such alternate has been reviewed by the Building Official. The Building Official shall authorize the use of any such alternate, provided he or she finds that the proposed design is satisfactory and complies with the provisions of this Code, and that the material, method of application or work offered is for the purpose intended and at least the equivalent of that prescribed in this Code, for quality, effectiveness, strength, fire resistance, durability and safety. The Building Official shall require sufficient evidence or proof be submitted to substantiate all claims that may be made regarding the alternate. If in the opinion of the Building Official, the evidence and proof are not sufficient to justify approval, the applicant may appeal.

5-12. Permit Applications

The Building Official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Code.

a) When Required:

Any owner, authorized agent, or prime contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, energy conservation, mechanical or plumbing system, the installation of which is regulated by this Code, including the technical codes, or to cause any such work to be done, shall first make application to the Department of Planning and Development, and obtain the required building permit for the work being done after paying the required fees.

b) Permit Exemptions:

Unless specifically addressed in this Code section, the City of Duluth adopts the exemptions identified in Chapter 1 of each adopted Regulatory Code. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work being done in any manner in violation of the provisions of this Code or any other laws or ordinances of the City of Duluth.

Permits shall not be required for the following:

1. Retaining walls which do not exceed 3 feet in vertical height and provided that the slope of backfill materials does not exceed a 1 foot rise in 3 feet length. Retaining walls which exceed 3 feet in vertical height shall require a permit and shall be constructed in compliance with the Development Regulations and shall be designed by a registered Professional Engineer.
2. Signs which are exempted from permits by the Unified Development Code.
3. One-Story detached accessory structures used as tool and storage sheds, playhouses and similar uses without electrical, mechanical or plumbing system provided the floor area is not great than 120 square feet and the structure meets all applicable zoning requirements.
4. Fences which do not exceed 3 feet in height.
5. Walls which do not exceed 3 feet in height.
6. Monuments and freestanding art pieces which do not exceed 4 feet in height.
7. Basketball goals which are stand alone and not part of a basketball court.

Although the structures listed above are exempt from requiring a permit, the listed structures shall meet the requirements of all other applicable codes, ordinances, regulations and resolutions governing the same.

c) Work Authorized:

A building permit, with properly completed and submitted affidavits and on file with the Department for electrical, gas, mechanical or plumbing systems, shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and not covered by the specifications submitted with the application, separate trade permit shall be required.

d) Minor Repairs:

Ordinary minor repairs under \$300.00 in total cost may be made, with the approval of the Building Official without a permit, provided that such repairs shall not violate any of the provisions of this Code, including the technical codes.

e) Information Required:

Each application for a permit, with the required fee, shall be filed with the Department of Planning and Development on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his or her authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official and the Department of Planning and Development.

f) Time Limitations:

Plans and specifications for projects reviewed by the Building Official and the Department of Planning and Development shall be permitted within 30 days of the formal review date to be valid for obtaining a building permit or the project shall be deemed to have been abandoned. A building permit shall expire 180 days from issuance whether or not construction has been initiated. A building permit shall also expire if the permittee fails to request and pass a required inspection during any 90 day period after the date of permit issuance. The Building Official is authorized to grant one time extension not to exceed 180 days during which time the permittee shall request and pass a required inspection. A request for an extension shall be made prior to permit expiration, shall be in writing and shall demonstrate justifiable cause. No refund of the permit fee shall be given for an expired permit unless authorized by the City Council. A new permit to re-initiate construction activities shall be secured and a fee shall be charged for the new permit in accordance with the most recent Fee Ordinance adopted by the City Council.

g) Drawings and Specifications:

1. Requirements.

When required by the Building Official, two or more copies of the specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to

conformity with this Code. Such information shall be specific, and this Code, including the technical codes, shall not be cited as a substitute for specific information. All information, drawings, specification and accompanying data shall bear the name and signature of the person responsible for the design.

2. Additional Data.

The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Building Official and/or Georgia State Law to be prepared by an architect or engineer shall be affixed with their official seal of stamp and signature.

3. Design Professional.

The design professional shall be an architect or engineer legally registered under the laws of the State of Georgia regulating the practice of architecture or engineering and shall affix his or her official seal or stamp and signature to said drawings, specifications and accompanying documents for the following.

- i. All Occupancies of Group “A” – Assembly, “E” – Educational and “I” – Institutional definition.
- ii. Building and structures three stories or more high.
- iii. Buildings and structures 5,000 square feet or more in area or \$100,000 or more in building cost. For all buildings or structures that do not require the designer to be legally registered under Georgia State Law, he or she shall certify on the drawings that such state registration is not required for this project with the reason.
- iv. Plans for interior finish work which encompass more than 2,500 square feet in area or three stories or more in height shall also require sealed or stamped plans by a Georgia Registered Architect or Engineer.
- v. Single family residences 2,500 square feet or more.
- vi. Single family residences under 2,500 square feet utilizing engineered lumber. Such lumber shall be approved with the design application by a design professional.

4. Structural and Fire Resistance Integrity.

Plans for all buildings shall indicate how required structural and fire resistive integrity will be maintained where a penetration of a require

fire resistant wall, floor or partition will be made for electrical, gas, energy conservation, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire and structural integrity will be maintained where required fire resistant floors intersect the exterior walls, as well as any additional information and details the Building Official and/or Gwinnett County Fire Marshal shall require.

5. Site Drawings.

Drawing shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Department may also require a boundary survey prepared by a qualified surveyor in accordance with the City of Duluth codes, ordinances and resolutions.

6. Hazardous Occupancies: The Building Official may require the following.

- i. General Site Plan: A general site plan drawn at a legible scale which shall include, but not limited to the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading area, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage area shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
- ii. Building Floor Plan: A building floor plan drawn to a legible scale which shall include, but not limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

Sec. 5-13. Examination of Documents

The Building Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Code and all other pertinent laws

or ordinances. A plan review fee shall be paid in accordance with the current Fee Ordinance adopted by the City Council.

Sec. 5-14. Issuing Permits

a) Action on Permits:

The Department of Planning and Development shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in the permit application and the contract documents filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, a permit shall be issued to the applicant by the Department.

b) Refusal to Issue Permit:

If the permit application and the accompanying contract documents describing the work do not conform to the requirements of this Code or other pertinent laws or ordinances, a permit shall not be issued. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

c) Special Foundation Permit:

When contract documents, including complete plans and specifications have been submitted to the Department and are currently under review for the issuance of a Building Permit, and a Development Permit has already been issued, the Building Official may, at his or her discretion, issue a "Foundation Only" Permit. This "Foundation Only" Permit shall prohibit the installation of electrical or plumbing rough-in, the placing of concrete for the floor slab on grade and all above ground masonry or steel erection. The holder of such a special permit is proceeding at their own risk and without assurance that a permit for the remainder of the work will be granted not that corrections will not be required in order to meet the provisions of this Code, including the technical codes.

d) Public Right-of-Way:

A permit shall not be issued by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect exterior walls, bays, colonies, or other appendages or projections fronting on any street, alley or public lane, or for the placing of any building or structure removed from another lot or premises, unless the applicant has made application at the Department of Planning and Development and complies with this Code and all other applicable codes.

Sec. 5-15. Contractor's Responsibilities

a) General Contractor:

It shall be the duty of every General Contractor doing work for a Developer or Homeowner who shall make contracts for the installation or repairs to a building, structure, or electrical, gas, mechanical, energy conservation and plumbing systems, for which a permit is required, and every Contractor or Builder making such contracts and sub-letting the same, or any part thereof; to provide the Department of Planning and Development with proof of current business license as issued by any city or local jurisdiction within the State of Georgia. The General Contractor shall furnish to the Department of Planning and Development the duly issued number of his or her business license and affix it to the Building Permit application.

b) Subcontractor:

It shall be the duty of every individual or firm prior to doing electrical, mechanical and/or plumbing work under contract with a General Contractor or Homeowner to have a proper affidavit on file with the Department of Planning and Development using the forms provided by the Department. This subcontractor shall also provide the Department with proof of a current business license, as issued by any city or local jurisdiction within the State of Georgia or other states with reciprocity, as well as a valid state license for his or her respective trade. Those licenses honored from other states are as follows: HVAC – North Carolina, South Carolina and Texas only; Electrical – Alabama, South Carolina and Florida only; and Low Voltage – Florida only. The filing of this affidavit shall be done prior to any work being started and will allow a subcontractor to do permitted work for a General Contractor or Homeowner. Persons or corporations failing to follow this procedure shall be in violation of this code and shall result in penalties as described herein.

- c) Homeowners: It shall be the duty of every Homeowner doing electrical, mechanical and/or plumbing work under a homeowners permit, for their own personal one and two family dwelling, to have proper permits or affidavits on file with the Department, and shall include their current name, address and phone number. The Homeowner, building or contracting out work for their own personal one and two family dwelling, will not be required to have a business license in order to obtain a building permit. All General Contractors and all subcontractors doing work for a Homeowner shall comply with their responsibility requirements as previously outlined in this section.

Sec. 5-16. Conditions of the Permit

a) Permit Intent:

A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of this Code, including the technical codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of this Code. The permit shall become invalid whenever work is not started or continued in accordance with the provisions of the current Fee Ordinance as adopted by the City Council.

b) Plans:

Before the Department of Planning and Development issues a permit for all commercial work, there shall be endorsed in writing or by stamp, on two sets of plans, "REVIEWED CITY OF DULUTH", with the signature of the Building Official and date of approval. One set of drawings so reviewed shall be retained for the Building Official by the Department of Planning and Development and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his or her duly authorized representative, otherwise, fees for re-inspection shall be levied in accordance with the provisions of the current Fee Ordinance adopted by the City Council.

c) Site Maintenance:

Construction sites shall be maintained at all times. The ground shall be free of debris, garbage, trash and construction debris. Dumpsters shall be provided on site for construction activity. Garbage trash, refuse and construction debris shall not be buried on sites where there is construction activity. Construction site shall be maintained in a safe and reasonable manner to facilitate inspections. Scheduled inspections shall not be conducted on sites determined unsafe. The tracking of mud, dirt or sediment on public streets and sidewalks from a construction site shall be prohibited.

Sec. 5-17. Fees

a) Prescribed Fees:

A permit shall not be issued until the fees prescribed in this section have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the square footage or estimated cost of the building, structure, electrical, gas, plumbing, mechanical, energy conservation systems, have been paid.

b) Work Commencing Before Permit Issuance:

Any person or firm starting any work on a building, structure, or electrical, plumbing, mechanical, energy conservation and gas systems before obtaining the necessary permit shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees. The payment of such fees shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work not from any other penalties prescribed herein.

c) Accounting:

The Business Office shall keep a permanent and accurate accounting of all permit fees and other monies collected, along with the date and amount thereof. All returned checks shall be assessed a service charge of \$20.00, as mandated by the Official Code of Georgia, Title 16, Chapter 9, Article 20(J). Two returned checks by the same applicant may result in a “cash only” policy when paying future permit fees.

d) Schedule of Permit Fees:

On all buildings, structures, or electrical, plumbing, mechanical, energy conservation and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the current Fee Ordinance as adopted by the City Council.

e) Building Permit Valuations:

The permit valuation shall be calculated based on the Building Valuation Data, as amended, published by the International Code Council and including the local multiplier, as adopted by the City Council. Permit values shall be calculated by square footage, type of construction and occupancy type.

Sec. 5-18. Inspections

a) Existing Building Inspections:

Before issuing a permit the Building Official may examine or cause to be examined any building, or electrical, gas, mechanical, energy conservation and plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install or change the occupancy. He or she shall inspect all buildings, structures, electrical, gas, mechanical, energy conservation and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He or she shall make a record of every such examination and inspection and of all violations of the technical codes.

b) Manufacturers and Fabricators:

When deemed necessary by the Building Official, he or she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacturer or fabrication. A record shall be made of every such examination and inspection and of all violations of this Code, including the technical codes.

c) Inspection Service:

The Building Official may make, or cause to be made, the inspections required by this section. He or she may accept report of inspectors or recognized "Third Party" inspection services provided that after investigation he or she is satisfied as to their qualifications and reliability. A certificate called for by any provision of this Code shall not be based on such reports unless the same are in writing and certified by a responsible office of such service.

d) Inspections Prior to Issuance of Certificate of Occupancy or Certificate of Completion:

The Building Official shall inspect or cause to be inspection at various intervals all construction work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical, energy conservation or plumbing system upon completion, prior to issuance of the Certificate of Occupancy. A Certificate of Completion, shall be issued for "Shell" buildings and uninhabitable structures.

e) Posting of Permit:

Work requiring a building permit shall not start until the permit holder, or his or her agent, posts the building permit placard in a conspicuous place at the front of the premises. The permit holder is responsible for this placard. All damaged, lost or stolen placards shall be replaced before further inspections shall be made. This placard shall be protected from the weather and located in such position as to permit the officials of all required and listed Department and agencies to conveniently make the required entries thereon. This placard shall be maintained in such position by the permit holder until the Certificate of Occupancy or Certificate of Completion has been issued.

f) Required Inspections:

The Building Official, upon notification from the permit holder or his or her agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder, or his or her agent, of any violations which must be

corrected in order to comply with this Code by issuance of a “Correction Notice” and noting such action on the placard.

1. Building Inspections.

- i. Footing/Foundation Inspection: To be made after trenches are excavated and forms are erected and all reinforcing steel (if required) is in place.
- ii. Underfloor Inspection: Rough plumbing, electrical and mechanical inspection must be approved prior to a slab inspection.
- iii. Slab Inspection: Plumbing, electrical, and mechanical inspections must be signed off first – gravel (if required), vapor barrier and wire mesh (if not fiber concrete) must be installed before footing approval by the Building Official.
- iv. Framing Inspection: To be made after mechanical, plumbing and electrical roughs are complete and signed off; all framing complete; fireblocking and bracing complete; fireplace must be set, vented through roof and capped. Wall sheathing, as applicable, to be in place. Insulation shall not be installed in exterior walls or roof prior to this inspection.
- v. Firewall Inspection: All commercial and multi-family construction with firewalls and fire rated assemblies after gypsum board is installed but before mudding and taping has started. This will be performed in conjunction with the Gwinnett County Fire Services Department.
- vi. Final Building Inspection: To be made after final electrical, plumbing and mechanical inspections have been signed off; interior and exterior is complete; landscaping is completed; smoke detectors in sleeping areas; 100% Fire Marshal’s signature; sewer signature; health signature; building to be complete and ready for occupancy, with all holds released, if any.
- vii. Erosion Control Measures and Energy Code Inspection: To be made in conjunction with the above building inspections.

2. Electrical Inspections.

- i. Underground Inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

- ii. Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes. Electrical panel set in place; all wiring installed and terminated in approved boxes or fittings; service cable installed and meter can set; all splices and taps made up and all wire fastened or stapled according to code.
- iii. Final Inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected and protected, and the structure is ready for occupancy.
- iv. Erosion Control Measure and Energy Code Inspection: To be made in conjunction with the above electrical inspections.

3. Plumbing Inspections.

- i. Underground Inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
- ii. Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing are in place and all soil, waste, and vent piping is complete, and prior to installation of wall or ceiling membranes. Waste lines and vent installed; wasteline braced and strapped as required; water test on waste lines; water piping installed; water piping braced and strapped as required; water or air test on water piping.
- iii. Final Inspection: To be made after building is complete, all required plumbing fixtures are in place and properly connected and protected, and structure is ready for occupancy.
- iv. Erosion Control Measures and Energy Code Inspection: To be made in conjunction with the above plumbing inspections.

4. Mechanical Inspections.

- i. Underground Inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
- ii. Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing are in place and all ducting, and other concealed components are complete, and prior to installation of

wall or ceiling membranes. Boot stackheads in; furnace vents roughed in; thermostat wire in place; bath fans vented; test on concealed gas line.

- iii. Final Inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.
- iv. Erosion Control and Energy Code Inspection: To be made in conjunction with the above mechanical inspections.

5. Gas Inspections.

- i. Rough Piping Inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
- ii. Final Piping Inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
- iii. 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 new work or any changes, to insure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.
- iv. Erosion Control Measures and Energy Code Inspection: To be made in conjunction with the above gas inspections.

6. Swimming Pool Inspections.

- i. Site Inspection: Prior to any land disturbance. Limits of disturbance and pool location to be staked off.
- ii. Reinforcing Steel or Basket Inspection, plumbing, electrical bond.
- iii. Erosion Control Inspection: To be made in conjunction with the above.

- iv. Final Inspection: All swimming pool installations must be completed with all fences, gates, decks, pumping equipment, filters, heater and appliances in place. The pool shall be completely filled with water and in operation before final inspection.

7. Erosion Control Inspections.

Erosion control measures shall be effectively in place and maintained throughout the course of construction by the general contractor or homeowner. Failure to do so shall result in warnings, stop work orders or citations being issued in accordance with the Duluth Unified Development Code.

8. Roofing Inspections.

- i. Roof Replacement: Sheathing inspection and final inspection
- ii. Roof Recovering: Final inspection

9. Irrigation System Inspections.

Final Inspection; verification of mandated systems including rain sensors, shut off switches, freeze sensors, protection of potable water supply against backflow, by an atmospheric type pressure vacuum breaker, a double check backflow prevention assembly or a reduced pressure principle backflow preventer.

10. Additional Inspections.

These may be required as determined by the Building Official to insure compliance with the requirements of the City of Duluth Construction Code and other applicable City ordinances.

g) Written Release:

Work shall not be done on any part of a building, structure or electrical, gas, mechanical, energy conservation and plumbing system beyond the point indicated in each successive inspection without first obtaining a written release on the placard from the Building Official or his or her designee. Such written release on the placard shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing inspections.

h) Reinforcing Steel and Structural Frames:

Reinforcing steel or structural frame work of any building or structure shall not be covered or concealed without first obtaining a written release from the Building Official or his or her designee.

Sec. 5-19. Certificates

a) Building Certificate of Occupancy:

A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part until after the Building Official has issued a Certificate of Occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, energy conservation, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the Building Official, or his or her designee, after all required signature releases have been affixed to the building permit placard and all fees assessed to the project have been paid in full.

b) Issuing Certificate of Occupancy:

Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, energy conservation and plumbing systems in accordance with the technical codes, reviewed plans and specifications, after the final inspection and all fees assessed to the project have been paid in full, the Building Official or his or her designee shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this Code. The written releases of all other applicable departments and agencies shall have been obtained previously and affixed to the placard.

c) Temporary/Partial/Limited Occupancy:

A Temporary Certificate of Occupancy may be issued for the conditional use of a limited portion or portions of a building or structure which may safely used without an occupancy load prior to final completion of the building. Such request shall be made to the Building Official by the Owner, or his or her agent, General Contractor or the Homeowner. Issuance of a Temporary Certificate of Occupancy shall in no way grant occupancy to the general public or use of the structure.

d) Certificate of Completion:

Upon satisfactory completion of a shell or uninhabited structure that may include electrical, gas, mechanical, energy conservation or plumbing systems,

a Certificate of Completion shall be issued. This Certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be temporarily connected to a utility system. The Certificate of Completion does not grant authority to occupy or connect a building or habitable structure, such as a shell building, to a permanent utility system, prior to the issuance of a Certificate of Occupancy.

Sec. 5-20. Service Utilities

a) Connection of Service Utilities:

No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by this Code, including the technical codes, for which a permit is required, until released by the Building Official and a Certificate of Occupancy or Certificate of Completion has been issued.

b) Temporary Connection:

The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a Temporary Certificate of Occupancy.

c) Authority to Disconnect Service Utilities:

The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Code, including the technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility and, whenever possible the owner and/or occupant of the building structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner and/or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Sec. 5-21. Posting Floor Pads

a) Occupancy:

An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he or she is satisfied that such capacity will not thereby be exceeded.

b) Storage and Factory-Industrial Occupancies:

It shall be the responsibility of the owner, agent, proprietor or occupant of Group "S" and Group "F" occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record with the Department at the time of permitting. An affidavit shall only be required when plans are not sealed, stamped and signed by a registered designer.

c) Sign Plates Required:

In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of a building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed, or defaced, shall be replaced by the owner of the building immediately. Failure to have such plates in place at all times shall be deemed a violation of this Code and shall result in penalties as prescribed herein.

Sec. 5-22. Tests

The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his or her agent, by an approved testing laboratory or other approved agency.

Sec. 5-23. Appeals

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code, the City of Duluth shall utilize the interpretation services provided by the International Code Council.

- a) Decision of the Building Official: The International Code Council shall have the power to amend an Administrative Decision made by the Building Official.
- b) Notice of Appeals: Notice of appeals shall be in writing, using the appropriate form as furnished by the Building Official, within the time limitations as established by the City Council.

c) Appeals Procedures

The procedures of Appeals regarding the establishment of rules and regulations and the rendering of decisions shall be as established by the City Council.

Sec. 5-24. Adoption

This Code shall become effective upon adoption of this Code by the City Council and shall be incorporated into the Code of Ordinances of the City of Duluth, Georgia.

Sec. 5-25. Severability

In any section, subsection, paragraph, sentence, clause, or phrase or provision of this Code, including the technical codes, is for any reason unintentionally held to be unconstitutional or void, the validity of the remaining portions shall not be affected thereby, it being the intent of the City Council in adopting this Building Code that no portion thereof or provision of this Code contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase, or provision of this Code or the technical codes.

Sec. 5-26. Liability

Neither the approval of a plan under the provisions of this Code, nor the compliance with the provisions of this Code shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law not impose any liability upon the City of Duluth for damage to any person or property.

Sec. 5-27. Conflicting Regulations

All regulations or parts of regulations of the Code of Ordinances of the City of Duluth, Georgia, in conflict with this Code shall be and the same are hereby repealed in their portions so in conflict. Provided, however, that it is not the intent to repeal or affect any law of the State of Georgia, or any Code of Ordinance of the City of Duluth adopted as a requirement of State Law, in which case the most restrictive shall control.

Sec. 5-28. Laws, Codes, Ordinances and Resolutions

Any person, firm, corporation or agent who shall violate or assist in the violation of a provision of this Code, including the technical codes, or fail to comply herewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical, energy conservation or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, or electrical, gas, mechanical, energy conservation or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of violating

a duly adopted ordinance, and upon conviction of any such violation, such person shall be punished within the limits and as provided by state and local laws. Each person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code, including the technical codes is committed or continued; and upon conviction of any such violation such person shall be punished within the limits and as provided by state and/or local law.

Sec. 5-29. Penalties

Any responsible party of other persons convicted by a court of competent jurisdiction of violating any provision of this code shall be guilty of violating a duly adopted Ordinance of the City of Duluth and shall be punished either by a fine not less than \$500 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternate. Each day the violation continues shall constitute a separate offense.

- a) Court Power and Authority: The court shall have the power and authority to order the violation corrected in compliance with the requirements of this Code and the court may require payment of restitution or impose other punishment allowed by law.
- b) Right of City: In any case in which any building or structure is used or proposed to be used, or activities are undertaken in violation of this Code or any amendment thereto adopted by the City Council, the City, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.