

STATE OF GEORGIA

COUNTY OF HALL

A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY

WITH REGARD TO THE INTERNATIONAL FIRE CODE

WHEREAS, pursuant to Hall County Code Section 15.10.020 Hall County has adopted certain minimum standard codes, including the International Fire Code and the International Building Code, and pursuant to said Code Section, Hall County automatically adopts all amendments and revisions to said codes as they are enacted by the State of Georgia; and

WHEREAS, Hall County has enacted certain Code provisions relating to the International Fire Code and state minimum fire safety standards, including appeal and variance provisions; and

WHEREAS, O.C.G.A § 25-2-12 (a) (7) controls the power of Hall County to consider appeals and variances in matters relating to state minimum fire safety standards; and

WHEREAS, Hall County wishes to bring the provisions of its Code relating to appeals and variances of the state minimum fire safety standards into conformity with O.C.G.A. § 25-2-12 (a) (7) so as to provide the County's citizens and taxpayers with notice of the limitations on the County's power as it relates to such minimum fire safety standards; and

WHEREAS, the County's Board of Commissioners believes that changes to its Code of Ordinances relating to appeals and variances as to the state minimum fire safety standards as described herein are in the best interests of residents and businesses of Hall County, Georgia, and would promote the public health, safety, and general welfare of such residents and businesses.

NOW, THEREFORE, the Board of Commissioners does hereby amend The Official Code of Hall County, Georgia as follows:

1.

Section 15.10.110 (International Fire Code, amendments.) of the Hall County Code is hereby amended deleting subsection (B) in its entirety, and by substituting in place thereof the following:

B. *Appeals.*

1. Pursuant to O.C.G.A. § 25-2-12 (a) (7), Hall County has no authority to grant a waiver or variance which would excuse any building, structure, or proposed plans for buildings or structures from compliance with the state minimum fire safety standards as adopted in the rules and regulations promulgated by the State of Georgia. Accordingly, no such waiver or variance shall be granted by Hall County.

2. A party that has been adversely affected by a decision of the County's fire code official may appeal the decision of the fire code official only when a mistake of fact has led to the determination made by the fire code official and the party appealing seeks to correct that mistake of fact. Appeals for any other reason, including appeals relating to the interpretation of the state minimum fire safety standards, are prohibited and will be immediately returned to the applicant. An applicant may file an appeal alleging a mistake of fact by submitting the appeal in writing with a full description of the alleged mistaken fact(s), together with any and all documents relating to the appeal, to the County Clerk within 30 days of the fire code determination or decision complained of.

3. The appeal shall be heard by a Hearing Officer following notice to the appellant and to the fire code official at issue. To the extent possible, the procedure for such appeals shall follow the Hearing Officer procedure utilized in Title 5 of this Code relating to suspensions or revocations of alcoholic beverage licenses. Pursuant to said procedure, the Hearing Officer shall

issue a recommendation to the Board of Commissioners as to whether the fire code officer's determination is based upon a mistake of fact(s), and if so, shall identify said mistake and recommend a correction of said mistaken fact(s). The Board of Commissioners shall either approve or deny the recommendation of the Hearing Officer without public hearing based upon the recommendation and supporting documents submitted to the Board by the Hearing Officer. If the Board decides that a mistake of fact has led to the determination by the fire code official, then the Board shall identify said fact (if not already identified by the Hearing Officer's recommendation), and the fire code official shall apply all the provisions of the fire code, including the state minimum fire safety standards, to the corrected fact(s).

2.


The remaining provisions of Section 15.10.110 of the Hall County Code of Ordinances shall remain as they were, unchanged by this amendment.

3.

This ordinance will become effective upon approval and execution.

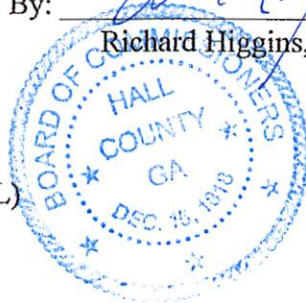
SO RESOLVED, this the 23rd day of March, 2023.

HALL COUNTY BOARD OF COMMISSIONERS

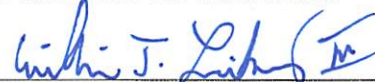
By: 
Richard Higgins, Chairman

ATTEST:

 (SEAL)
Jennifer Rivera, County Clerk



APPROVED AS TO FORM:


William J. Linkous III, County Attorney