

I. DEFINITIONS

- A. For purposes of this Third Party Inspection Ordinance, the following definitions shall apply unless the context clearly indicates otherwise:
1. **Approved Third Party Inspectors List**- a list maintained by the Department comprised of the names of Approved Third Party Inspectors that have complied with the application and renewal requirements of the Forsyth County Third Party Inspection Program and have been approved to perform Third Party Inspections pursuant to this Article of the Forsyth County Code in unincorporated Forsyth County.
 2. **Approved Third Party Inspector**- a Registered Professional Engineer that has complied with the application and renewal requirements of the Forsyth County Third Party Inspection Program and has been approved to perform Third Party Inspections pursuant to this Article of the Forsyth County Code in unincorporated Forsyth County. An Approved Third Party Inspector is intended to constitute a “private professional provider” as described in the State Act.
 3. **Department**- the Forsyth County Department of Planning and Community Development, or such other department as may be assigned by the Board of Commissioners the responsibility of performing inspections and overseeing the Third Party Inspection system described herein.
 4. **Inspection**- the observance of work and the performance of test for certain components and elements to establish conformance with Forsyth County approved construction documents, building codes and ordinances adopted by Forsyth County, and the requirements of the state minimum standards as adopted and amended by the Georgia Department of Community Affairs.
 5. **Inspection Certification**- a written statement signed and sealed by an Approved Third Party Inspector, which shall indicate that the item(s) being inspected, in the Approved Third Party Inspector’s professional opinion and to the best of their knowledge, complies with Forsyth County approved construction documents, building codes and ordinances adopted by Forsyth County, and the requirements of the state minimum standards as adopted and amended by the Georgia Department of Community Affairs.
 6. **Inspection Field Report**- a written report prepared by an Approved Third Party Inspector or a Technician working under the direct supervision of an Approved Third Party Inspector describing the work conducted and findings of an Inspection.
 7. **Letter of Intent**- a Forsyth County form letter used by owners, developers, or contractors to notify the Department of the intent to utilize an Approved Third Party Inspector in conformance with the Third Party Inspection Program.
 8. **Registered Professional Engineer**- an individual that holds a certificate of registration issued under Chapter 15 of Title 43 of the Official Code of Georgia.
 9. **State Act**- O.C.G.A. § 8-2-26.

10. **Technician**— an individual that performs Inspections under the direct supervision of an Approved Third Party Inspector.
11. **Tenant Finish**- construction projects that are usually non-structural in nature and include interior alterations or renovations to an existing unoccupied space for a new tenant.
12. **Third Party Inspection**- inspection performed in conformance with this program by Approved Third Party Inspectors.
13. **Third Party Inspection Program**- the rules and procedures described in this Third Party Inspection Ordinance.

II. THIRD PARTY INSPECTION PROGRAM

- A. The Department will establish and maintain a list of Approved Third Party Inspectors from whom the Department will accept Third Party Inspections in accordance with this Third Party Inspection Ordinance.
- B. In full compliance with the requirements of the State Act, Forsyth County shall allow owners, developers, and contractors to submit Inspection Certificates by Approved Third Party Inspectors in order to satisfy certain Inspection requirements in those situations described herein.
- C. The Department will only consider Inspection Certifications from individuals listed on the Approved Third Party Inspector List. Forsyth County makes no representation concerning the Approved Third Party Inspectors other than that they have submitted evidence showing that they have met the minimum criteria for education, experience, licensing, and certification necessary to qualify for the Third Party Inspection Program described herein.
- D. In order for an Inspection Certification to be accepted by the Department for a particular project, a Third Party Inspector must be independent of, and must not be an employee of or otherwise affiliated with or financially interested in the owner, developer, and contractor performing the work being inspected.
- E. Notwithstanding the submission of an Inspection Certification in lieu of inspection by Department personnel, the same inspection fee as would otherwise be required if county personnel were performing the inspection must be submitted with the Inspection Certification. This inspection fee is not refundable regardless of the content of the Inspection Certification and regardless of whether the Inspection Certification is accepted or rejected by the Department.
- F. All other fees and costs related to the performance of the Third Party Inspection are matters solely between the Third Party Inspector and the owner, developer, or contractor engaging the Third Party Inspector. The contractor or owner shall not be entitled to a refund of any portion of the permit fee for the inspections paid by the owner, developer, or contractor to the Approved Third Party Inspector.

- G. Notwithstanding the submission of an Inspection Certification, the Department retains the authority to make all code interpretations and to monitor the quality of all Third Party Inspections.
- H. The Department will continue to provide full support to customers that choose not to utilize the services of Approved Third Party Inspectors.

III. INSPECTIONS TYPES:

- A. The Department will accept third party inspections in compliance with the State Act for any construction inspections required by the Unified Development Code where Department staff are unable to provide inspections within two business days (excluding holidays) from the date of a request for the inspection.
- B. In addition to the third party inspections authorized by Section III.A., above, regardless of the ability of Department staff to provide timely inspections, owners, developers, and contractors may also utilize the services of Approved Third Party Inspectors to perform the following types of inspections:
 - 1. For residential projects:
 - a. All inspections pertaining to concrete and foundation work, including:
 - 1) Footings/Piers
 - 2) Monolithic Slabs
 - 3) Basement Slabs
 - 4) Garage Slabs
 - 5) Rebar/Ufer Ground
 - 6) Foundation Walls
 - b. The following required inspections associated with additions and renovations to occupied dwellings:
 - 1) Underground plumbing
 - 2) Underground Electrical
 - 3) Underground Mechanical
 - 4) Underground Gas Piping
 - 5) Rough plumbing
 - 6) Rough electrical
 - 7) Rough mechanical
 - 8) Rough gas piping
 - 9) Insulation
 - 10) Rough Framing
 - 11) Final Plumbing
 - 12) Final Electrical
 - 13) Final Gas piping

- 14) Final Building re-inspections for any final inspections initially conducted by Department staff.

2. For commercial projects:

- a. All inspections related to concrete and foundation work, including;
 - 1) Footings/Piers
 - 2) Monolithic Slabs
 - 3) Elevated Slabs
 - 4) Rebar/Ufer Grounds
 - 5) Foundation Walls
- b. All Inspections pertaining to commercial Tenant Finish projects, with the following exceptions:
 - 1) Inspections associated with fire protection;
 - 2) Inspections associated with group R occupancies;
 - 3) Special Inspections;
 - 4) Inspections required by any other State agency or other Forsyth County Departments;
 - 5) Final Inspections (may perform final re-inspections associated with commercial tenant finishes that were initially conducted by county staff).

IV. APPROVED THIRD PARTY INSPECTOR QUALIFICATIONS

- A. Individuals wishing to be placed on the Approved Third Party Inspectors List must submit an initial application along with a application fee as established by the Forsyth County Board of Commissioners to the Department. Those individuals that are placed on the Approved Third Party Inspectors List must submit an annual renewal form no later than the second Friday in January of each calendar year thereafter along with a renewal fee as established by the Forsyth County Board of Commissioners to the Department. Individuals that do not timely submit a renewal form shall be removed from the Approved Third Party Inspectors List.
- B. In order to qualify to be placed on the Approved Third Party Inspectors List, an individual must:
 1. Be, or be a partner in or employed by an engineering firm, in full compliance with chapter 22 of the Forsyth County Unified Development Code including timely payment of the occupational tax and registration required thereunder.
 2. Be a Registered Professional Engineer as defined in this Ordinance.
 3. Possess and maintain all applicable ICC certifications for the Inspection Certifications submitted.
 4. Shall otherwise be in good standing with all pertinent certification and professional accreditation boards.
 5. Possess and maintain minimum insurance as described herein.

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- C. An individual shall not be qualified to be placed on the Approved Third Party Inspectors List if he/she has had his/her authority to issue third party Inspection Certifications in any other jurisdictions revoked. If an individual previously qualified to be on the Approved Third Party Inspectors List and subsequently has his/her authority to issue third party Inspection Certifications revoked, the individual shall be removed from the Approved Third Party Inspectors list.
- D. An Approved Third Party Inspector may not submit an Inspection Certification if the Approved Third Party Inspector is an officer or employee of the owner, developer, contractor or other party or if the Approved Third Party Inspector is employed by or a partner in a firm that is affiliated with or financially interested in the owner, developer, contractor or other party on whose behalf the Inspection Certification is submitted.
- E. Technicians may perform inspections under the supervision of an Approved Third Party Inspector provided the Technician has attended one Forsyth County coordinated training session and continues to attend annual training sessions thereafter, or as directed by the Building Official.
- F. Technicians performing inspections under the supervision of an Approved Third Party Inspector shall possess ICC certifications relevant to the types of inspections performed.
- G. Approved Third Party Inspectors shall obtain and maintain the following minimum insurance coverages and provisions, evidence of which shall be submitted to the Department with the initial application and each annual renewal thereafter:
1. Comprehensive General Liability Insurance-for liability and property damage in an amount of not less than \$1,000,000 per occurrence.
 2. Professional Liability Insurance for errors and omissions in an amount of not less than \$1,000,000 per occurrence.
 3. The cancellation provision shall provide for 30 days notice of cancellation.
 4. Forsyth County, Georgia, its officers, officials, employees and representatives shall be named as additional insureds on the required insurance policies.
 5. The required insurance coverages shall be provided by an insurance company licensed to do business by and in good standing with the Georgia Department of Insurance at all times.
- H. Disciplinary Action:
1. An Approved Third Party Inspector shall be subject to disciplinary action by the Department for the following violations:
 - a. Providing inspections without appropriate license or certification.
 - b. Providing Inspection services prior to issuance of a valid building permit.
 - c. Errors and omissions which are clearly and obviously negligent.
 - d. Authorizing any deviation from the approved permit.
 - e. Falsifying reports.
 - f. Unauthorized employee performing inspections.

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- g. Performing unauthorized types of inspections.
 - h. Inspections passed with hold on project or under stop work.
2. The disciplinary action for a violation shall be progressive based on the number of violations in the previous 24 month period. For any combination of violations within a 24 month period, the following disciplinary actions shall be assessed:
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|-------------------|--|
| First Violation: | Warning Letter |
| Second Violation: | 30-Day Suspension from Approved Third Party Inspector List |
| Third Violation: | 90-Day Suspension from Approved Third Party Inspector List |
| Fourth Violation: | 2-Year Suspension from Approved Third Party Inspector List |
3. Appeal of suspensions shall be processed through the Zoning Board of Appeals as appeals of administrative decisions.
4. A reinstatement fee of \$100.00 will be charged to the Third Party Inspector following a suspension in order to be reinstated to the Approved Third Party List.

V. PROCEDURES FOR CONDUCTING THIRD PARTY INSPECTIONS:

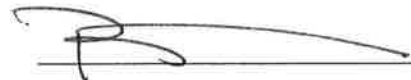
- A. It is the responsibility of the Approved Third Party Inspector to ensure that there are no administrative holds on a project prior to conducting an inspection.
- B. An Approved Third Party Inspector shall not suggest, direct, or authorize any deviation from approved construction documents without first obtaining approval from the Department.
- C. When utilizing an Approved Third Party Inspector for foundation related inspections (including footing, monolithic slab, foundation wall, or rebar/ufer ground inspections), it is not necessary to submit a Letter of Intent. Notwithstanding the use of an Approved Third Party Inspector, the owner, developer, or contractor shall schedule a foundation related inspection as if using Department staff. The Inspection Certification and the county approved site plan must be on-site for the county inspector to review as well. If the construction is in compliance with applicable zoning requirements, the county inspector will process the Inspection Certification so that subsequent inspections may be scheduled.
- D. When utilizing an Approved Third Party Inspector for a rough or final inspection, the following procedures shall apply:
 - 1. The owner, developer, or contractor must submit a Letter of Intent to the Department, at which time the Department will initiate the inspection request on the e-status mobile inspections system to show the inspection scheduled for the following day.
 - 2. To ensure quality control of the Third Party Inspection Program, a copy of all Inspection Field Reports shall be maintained on-site and accessible to Department staff at all times. Once the inspection is completed the Approved Third Party Inspector must leave a copy of the Inspection Field Report on-site.


3. All Inspection Field Reports shall note the type of inspection, areas inspected, and any deficiencies observed. For commercial projects, the Approved Third Party Inspector shall annotate the areas inspected on the County-approved building plans.
4. If it is determined that Approved Third Party Inspector Inspection Field Report is not on-site following an Inspection, the Inspection Certification will not be accepted.
5. Inspection Certifications shall be submitted seven business days from the date the Inspection was scheduled. Once the Inspection Certification is received the inspection status will be updated by the Department in the normal course of business.
6. Final Inspections will not be scheduled until all outstanding re-inspection fees have been paid.
7. When performing re-inspections for violations initially noted by Department staff, each corrected item shall be addressed individually.


So RESOLVED this 3rd day of May, 2012.

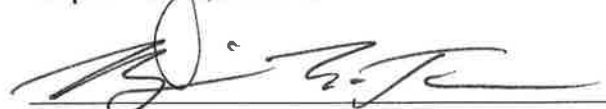
FORSYTH COUNTY BOARD OF COMMISSIONERS


Jim Boff, Chairman

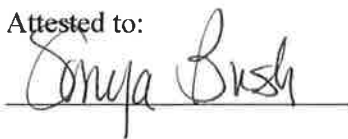

Patrick B. Bell, Vice Chairman


Todd Levent, Secretary


Ralph J. Ames, Member


Brian Tam, Member

Attested to:



Bush, Sonya E.

From: Bernstein, Vanessa D.
Sent: Friday, May 04, 2012 9:30 AM
To: Bush, Sonya E.
Cc: Brown, Tom W.
Subject: Third Party Inspection Ordinance
Attachments: Forsyth County Third Party Inspection Ordinance Adopted 5.3.12.docx; Forsyth County Third Party Inspection Ordinance Adopted 5.3.pdf

Sonya,

I am attaching a copy of the Third Party Inspection Ordinance adopted last evening (draft edits have been integrated). I will need a signed copy once this is executed as well as the ordinance number once it has been issued. Thanks so much.

Best regards,
Vanessa D. Bernstein
Senior Planner, Long Range Planning Division
Forsyth County Planning & Community Development
Direct: 678.513.5866 Fax: 770.781.2197
www.forsythco.com

Assign #
Send Out.