



City of Lilburn

in Gwinnett County

State of Georgia

Ordinance

Number: 2023-606

Date of Reading and Adoption: June 12, 2023

At the meeting of the Lilburn City Council held at 340 Main Street, Lilburn, Georgia.

AN ORDINANCE AMENDING “CHAPTER 105.-BUILDINGS AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF LILBURN TO REPEAL AND REPLACE ARTICLE I AND II, TO REFERENCE STATE CODES; TO PROVIDE FOR VARIANCES AND APPEALS; TO PROVIDE PROCEDURE FOR PERMITTING; TO PROVIDE FOR ENFORCEMENT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS: The Mayor and City Council find that Article I and II or Chapter 105.-BUILDINGS AND BUILDING REGULATIONS of the Official Code of the City of Lilburn requires multiple new subsections and amendments to reflect the most current state construction codes and legislative procedures for variances and appeals; and

WHEREAS: Chapter 1, Section 6 of the Official Code of the City of Lilburn provides a mechanism by which amendments may be made to the Official Code; and

WHEREAS: The Mayor and City Council met the legal requirement to hold a public meeting before adopting any building and building regulations ordinance or resolution.


NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Lilburn, Georgia, sitting in regular session on June 12, 2023, that Article I and II of Chapter 105 of the Official Code of the City of Lilburn are hereby repealed in their entirety and replaced with new Article I and II provided herein as Attachment A.


BE IT FURTHER RESOLVED that all ordinances, regulations, or parts of the same in conflict with this ordinance are hereby rescinded to the extent of said conflict.

BE IT FURTHER RESOLVED. That should any article, section, subsection, paragraph, clause, phrase or provision of this ordinance be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

This ordinance is effective immediately following adoption by recorded vote of the Mayor and City Council of the City of Lilburn.

SO ORDAINED this 12th day of June, 2023.



Tim Dunn, Mayor

ATTEST: Rick Badie, City Clerk

Chapter 105 BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. CONSTRUCTION CODES

Sec. 105-1. State minimum standard mandatory codes.

- A. It is hereby declared to be the intention of the council to adopt and enforce the state minimum standard codes as defined by O.C.G.A. § 8-2-20(9)(B). The adoption includes the latest edition of the following state minimum standard mandatory codes, as adopted and amended by the Georgia Department of Community Affairs:

International Building Code

International Residential Code for One- and Two-Family Dwellings

International Fire Code

International Fuel Gas Code

International Mechanical Code

International Plumbing Code

National Electrical Code

International Energy Conservation Code

International Swimming Pool and Spa Code

Sec. 105-3-10. Reserved.

ARTICLE II. - ADMINISTRATIVE PROCEDURES FOR ENFORCEMENT OF ADOPTED CODES

Sec. 105-11. Purpose.

The purpose of this section is to provide for the administration and enforcement of the state minimum standard codes for construction as adopted and amended by the State Department of Community Affairs. Hereinafter, the state minimum standard codes for construction shall be referred to as the construction codes or "this code."

Sec. 105-12. Definitions.

- A. All terms shall be defined in this code as found within the latest edition of the state minimum standard mandatory code publications of the International Code Council.
- B. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 105-13. Existing Buildings.

- A. *Generally.* Alterations, repairs, or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical, or plumbing system without requiring the building, structure, plumbing, electrical, mechanical, or gas system to comply with all the requirements of the construction codes provided that the alteration, repair, or rehabilitation work conforms to the requirements of the construction codes for new construction. The extent to which the existing system shall be made to conform to the requirements of the state minimum standard codes for new construction shall be as follows, unless otherwise required by this section:
 - 1. When the estimated cost of the new work is less than 50 percent of the replacement cost of the existing system or building, the new work shall be brought into conformance with the requirements of the state minimum standard codes for new construction.
 - 2. When the estimated cost of the new work is equal to or greater than 50 percent of the replacement cost of the existing system or building, the entire system or building shall be made to conform to the requirements of the state minimum standard codes for new construction.
 - 3. For essential service facilities occupancy category IV type buildings as defined by the state minimum standard codes for new construction, when the estimated cost of the new work is equal to or greater than 30 percent of the replacement cost of the existing system, the entire system shall be made to conform to the requirements of the state minimum standard codes for new construction.
- B. *Change of occupancy.* If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical, and plumbing systems shall be made to conform to the intent of the construction codes as required by the specific requirements of the occupancy.
- C. *Existing installations.* Except as otherwise provided in this chapter, buildings, structures, plumbing, mechanical and electrical systems lawfully in existence at the time of the adoption of the ordinance from which this article is derived shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and applicable codes at the

time of its installation, and no hazard to life, health or property is created by such building, structure or system.

Sec. 105-14. Building Inspections.

- A. *Creation.* There is hereby established a division within the Planning Department to be called building inspections, and the person in charge shall be known as the building official who reports to the director of planning. The duties of the division may be contracted out in full to a third-party entity.
- B. *Records.* The building official and/ or designee, shall keep, or cause to be kept, a record of the business of the division. The records of the division shall be open to public inspection pursuant to the provisions of the Georgia Open Records Act.
- C. *Liability.* Any city inspector, city officer, city employee, or member of the zoning board of appeals, charged with the enforcement of the construction codes, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties.

Sec. 105-15. 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 and/ or designated inspector 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.
- C. *Stop work orders.* Upon notice from the building official or designated inspector, 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 or designated inspector shall not be required to give a written notice prior to stopping the work. Removal of a stop work order authorized under any city code without the approval of the building official shall be considered a violation and subject to fines and penalties as identified by the municipal court of the City of Lilburn.
- D. *Revocation of permits.*

1. *Misrepresentation of application.* The director of planning or building official may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
 2. *Violation of code provisions.* The director of planning or building official may revoke a permit upon determination by the building official or designated inspector that the construction erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical, or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.
- E. *Unsafe buildings or systems.* All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems.
- F. *Alternate materials and methods.* The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building official. The building official shall approve any such alternate, provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the construction codes in quality, strength, effectiveness, fire resistance, durability, and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

Sec. 105-16. Permits.

- A. *Permit application.*
1. When required, any owner, authorized agent, or 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, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the director of planning and obtain the required permit for the work.
 2. *Work authorized.* A building, electrical, gas, mechanical, or plumbing permit 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 specification documents filed with the application for the permit. Where these are not shown on the drawings and covered by the specification documents submitted with the application, separate permits, and the required fees shall be required.
 3. *Minor repairs.* Ordinary minor repairs may be made with the approval of the director of planning without a permit, provided that such repairs shall not violate any of the provisions of the construction codes and/ or shall not initiate the replacement of a non-conforming building or structure as defined in Appendix A – Zoning Ordinance, Article 9 - Nonconformities.
 4. *Information required.* Each application for a permit, with the required fee, shall be filed with the director of planning on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The owner, or his authorized agent, shall sign the application to provide permission for the work. 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,

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not covered by the building or structure, and shall contain such other information as may be required by the director of planning to illustrate the entire scope of work.

5. *Time limitations during plan review.* An application for a permit, including the constructions drawings, for any proposed work shall be deemed to have been abandoned 180 calendar days after the date of filing for the permit, unless before then a permit has been issued. Submission of a new application for a permit and construction drawings shall be required to comply with any code amendments adopted with an effective date prior to the submittal.
6. *Time limitations after issuance.* A permit, once issued, shall be deemed to have been abandoned 180 calendar days after the date of the last inspection or the permit issue date, whichever is later. To reissue an abandoned permit, a new permit application and constructions drawings shall be resubmitted to the city for review and the prescribed fee paid. Reissuance of the permit is subject to having no change in ownership, no change in the scope of the work for which the permit was issued, and verification of compliance with all applicable codes at the time it is reissued.
 - a. *Exception.* The permit expiration date may be extended once by the director of planning without additional fees for a period of 90 days if work had begun within the initial 180 days and any previous inspections were passed. The request for extension must be submitted to the director of planning prior to the expiration date of the initial permit.
 - b. *Plan review documents.* The approval of plan review document drawings shall be valid for the duration of a valid permit, or twenty-four (24) consecutive calendar months from the date of plan approval. Upon expiration of plan review approval, any new permit submissions shall include plan review documents to comply with all current applicable zoning codes.

B. Fees.

1. *Fees.* A permit shall not be issued until the fees prescribed by the city's department of planning have been paid.
2. *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing, etc., system before obtaining the necessary permits, shall be subject to a penalty of one hundred (100) percent of the usual permit fee and review fee in addition to the required permit and review fees.
3. *Fee schedule.* On all buildings, structures, electrical, plumbing, mechanical, 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 fee schedules as set by the city's department of planning.
4. *Building permit valuations.* Valuations for new construction and additions will be based on current ICC building valuations for the size and type of construction unless otherwise stated within the fee schedule adopted by resolution of the mayor and city council.
5. *Supplemental fees.* Any supplemental review fees, third party inspections, and/ or supplemental engineering or inspection reports shall be paid by the permit holder prior to any certificate of occupancy, certificate of completion, or certificate of compliance is issued.

C. Construction drawings and specifications.

1. *Requirements.* When required by the director of planning, copies of specifications of construction 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 the construction codes. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

2. *Site plan.* A site plan showing the location of the proposed building or structure and of every existing building or structure on the site or lot shall be submitted. The director of planning may require a boundary line survey prepared by a qualified land surveyor or engineer.
3. *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 are to be prepared by an architect or engineer shall be affixed with their official seal.
4. *Design professional.*
 - a. 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 official seal to said drawings, specifications, and accompanying data.
 - b. *Exception.* Single-family dwellings shall require neither a registered architect nor engineer, nor is a certification of an architect or engineer required. A building or structure containing three (3) or more independent dwelling units, such as townhomes or condominiums are considered to be single family attached dwelling units and are not subject to this exemption.

D. *Examination of documents.*

1. *Plan review.* The building official or his/ her designee shall examine each application for a permit and the accompanying documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the construction codes and all other pertinent laws or ordinances.

E. *Issuing permits.*

1. *Action on permits.* The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the documents filed conform to the requirements of the construction codes, he shall issue a permit to the applicant.
2. *Corrections required and refusal to issue permit.* If the application for a permit and the documents describing the work do not conform to the requirements of the construction codes, the building official shall not issue a permit, but shall return the contractor documents to the applicant with his corrections required and refusal to issue such permit. Such corrections required and refusal shall, when requested, be in writing and shall contain the reason for refusal.
3. *Special foundation permit.* When application for permit to erect or enlarge a building has been filed and, pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the construction codes.

4. *Public rights-of-way.* A permit shall not be given by the building official for the construction of any building, structure, wall, or for the alteration of any building when located within the public rights-of-way.,
- F. *Contractor responsibilities.* It shall be the duty of every contractor to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a State of Georgia license before they are permitted to perform work, the contractor shall supply the local government with their license number before receiving a permit for work to be performed.
- G. *Conditions of the permit.*
1. *Permit intent.* A permit issued shall be construed to be a license to proceed with the work and not as authority to violate any of the provisions of the construction codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of the construction codes. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 calendar days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 calendar days after the time the work is commenced. One (1) extension, for a period of not more than 90 calendar days each, may be allowed to complete the work identified under the same permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing to the director of planning or building official.
 2. *Plans.* When the building official issues a permit, one set of drawings shall be retained by the building official 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 authorized representative.
- H. *Inspections.*
1. *Existing building inspections.* Before issuing a permit the building official may examine any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He/ she shall inspect all buildings, structures, electrical, gas, mechanical, and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He/ she shall make a record of every such examination and inspection and of all violations of the construction codes.
 2. *Inspections prior to issuance of certificate of occupancy or completion.* The building official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical, or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.
 3. *Posting of permit.* Upon issuance, the permit card shall be posted in a conspicuous place on the premises and be protected from the weather. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the building official.
 4. *Required inspections.* The building official, upon notification from the permit holder or his agent may make the following inspections and other inspections as necessary, and upon inspection shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical code:

a. *Building.*

- i. *Foundation inspection.* To be made after trenches are excavated and forms erected and any required reinforcing in place and secured prior to placement of concrete. A site plan or staking survey prepared and sealed by a registered engineer or land surveyor shall be submitted at the time of the residential footing or slab inspection and prior to the pouring of same. Survey shall show the setbacks from all property lines. Setbacks shall comply with all minimum zoning ordinance requirements and/or legally acquired variances.
- ii. *Slab inspection.* To be made before slab concrete is poured in on any slab on grade foundations, if required
- iii. *Waterproofing inspection.* To be made prior to backfill of foundation walls.
- iv. *Residential floodplain inspections.* For construction permitted in areas prone to flooding as established by the International Residential Building Code and Flood Insurance Rate Maps, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of a certification of the elevation of the lowest floor, including basement, prepared by a registered professional engineer or land surveyor.
- v. *Roof felt and sheathing inspection.* To be performed on exterior wall sheathing prior to installation of vapor barrier to ensure compliance with fastening scheduling and wall bracing requirements per current adopted building codes. Metal drip edge shall be installed at all roofing edges of roofs coverings of asphalt shingles.
- vi. *Frame inspection.* To be made after the roof, masonry, all framing, fire blocking, fire stopping, draft stopping and bracing are in place, and after the plumbing, mechanical and electrical rough inspections are approved.
- vii. *Final inspection.* To be made after the building is completed and ready for occupancy.

b. *Electrical.*

1. *Underground inspection.* To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. *Rough-in inspection.* To be made after the distribution panel is in place and all electrical conductors and associated device boxes are installed and prior to covering or concealment or the installation of fixtures, wall or ceiling membranes.
3. *Temporary power inspection.* Temporary approval for connection to the utility can be granted prior to completion. This temporary connection is only valid for a period not to exceed 90 days.
4. *Final inspection.* To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

c. *Plumbing.*

1. *Underground inspection.* To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

2. *Rough-in inspection.* To be made after the distribution pipe and all soil, waste, and vent piping is complete, and prior to the installation of wall or ceiling membranes or concealment of any plumbing materials.
3. *Final inspection.* To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See the International Plumbing Code for required tests.

d. *Mechanical.*

1. *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.
2. *Rough-in inspection.* To be made after the roof and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes. No mechanical equipment or ductwork is allowed to be installed in any building that is not adequately sealed from the weather. Any ductwork or equipment contaminated by storm water must be replaced to prevent a potential mold issue or health hazard, as recommended by the DCA Mold Task Force.
3. *Final inspection.* To be made after the building is complete, the mechanical system is in place and properly connected, operational and the structure is ready for occupancy.

e. *Gas.*

1. *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 has been connected.
2. *Temporary gas connection.* 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 inspected. At least one fixture or gas appliance should be installed and connected to provide adequate means to test and purge the system. This inspection shall include a pressure test.
3. *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, in order to ensure compliance with all the requirements of the construction codes and to ensure that the installation and construction of the gas system is in accordance with reviewed plans.

f. *Energy.*

1. *Insulation inspection.* To be made after all rough inspections are complete and approved and before exterior wall insulation is concealed by wall board to check installation of the exterior insulation envelope and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
2. *Final inspection.* To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances. Verification of compliance with all state amendments for the energy code in regard to sealing and compliance certificates where applicable and properly posted.

5. *Inspections requests.* It shall be the duty of the permit holder or their duly authorized agent to notify the department of planning's inspections division when work is ready for inspection.
 6. *Written release.* Work shall not be done on any part of a building, structure, electrical, gas, mechanical, or plumbing system beyond the point indicated in each successive inspection without first obtaining a release from the building official.
 7. *Re-inspection fee.* Re-inspection fees may be required in accordance with the fee schedule as adopted by the department of planning when work performed is required to be re-inspected due to the following reasons:
 - a. The re-inspection is not approved due to a failure to correct a previously noted code violation on a prior inspection;
 - b. The job is not ready for inspection when an inspection is requested and performed;
 - c. The building or structure is not accessible and inspection cannot be performed;
 - d. Work to be inspected has been covered or concealed and proper inspection cannot be performed;
 - e. Prior issuance of a stop work order requires re-inspection.
 8. *Reinforcing steel, structural frames, insulation, plumbing, mechanical, or electrical systems.* Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.
 9. *Plaster fire protection.* In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building official after all lathing and backing is in place. Plaster shall not be applied until the release from the building official has been received.
 10. *Fire barrier inspection.* Where fire resistance rated construction is required between dwelling units, between various occupancies or due to location on property, the building official shall require an inspection after all wallboard is installed but prior to joints and fasteners being taped and finished.
- I. *Certificates.*
1. *Certificate of occupancy.*
 - a. *Building occupancy.* A new building shall not be occupied, or a change made in the occupancy, nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy.
 - b. *Issuance of certificate.* Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the building official 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 the construction codes.
 - c. *Temporary occupancy.* One (1) temporary certificate of occupancy may be issued for non-residential buildings or portions thereof for a specified period of time when it has been determined by the building official or designee that no outstanding Code violations or

deficiencies exist, and the building may be safely occupied for the use and time requested. A request for a temporary certificate of occupancy shall be made in writing and show or express demonstrated need and shall be subject to the fee established by the planning department.

- d. *Revocation.* The building official shall, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this Code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code.
2. *Certificate of approval.* Upon satisfactory completion of a building, structure, electrical, gas, mechanical, or plumbing system that is not intended for occupation, a certificate of approval may 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 connected to a utility system. The certificate of approval does not grant authority to occupy a building or structure or change the type of occupancy or nature of use prior to the issuance of a certificate of occupancy.
3. *Certificate of compliance.* Upon satisfactory completion of the life safety inspection of short-term rental or other zoning compliance inspection conducted by the building official or his/her designee, a certificate of compliance may be issued. The certificate of compliance shall further establish the maximum permitted occupancy for the short-term rental per section 739-4 of the city's zoning ordinance.
4. *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 the construction codes for which a permit is required, until released by the building official, and a certificate of occupancy or completion is 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. This temporary connection is only valid for a period not to exceed 90 calendar days.
 - c. *Authority to disconnect service utilities.* The building official shall have the power to authorize disconnection of utility service to the building, structure, or system regulated by the construction 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 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 or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.
- J. *Posting floor loads.*
 1. *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 is satisfied that such capacity will not thereby be exceeded.

2. *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 a stamped and signed 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 of the building department.
3. *Signs 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 the 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.

Sec. 105-17. 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 agent, by an approved testing laboratory or other approved agency.

Sec. 105-18. Building facade standards.

- A. *Building Materials.* Building materials for non-residential, mixed use, and multiple family building façades seen from public streets shall be constructed of a mix of materials which may include brick, stone, and glass as primary materials, with textured concrete masonry block, stucco, and cement-fiber siding as accents. Facades of single family and two family dwellings may be constructed of brick, stone, stucco, wood siding, fiber cement siding or similar material. All elevations and materials must be approved by the director of planning and additional restrictions apply in Overlay Districts.
- B. *Color.* All primary exterior materials shall be neutral in color, as approved by the director of planning.
- C. *Prohibited Materials.* Metal siding, vinyl siding, and smooth faced concrete masonry units are prohibited.
- D. *Exceptions.* Vinyl products shall only be used for repairs of existing facades made with vinyl, or soffits, eaves, and fascia of residential structures.

Sec. 105-19. Street Addressing standards.

Address numbers for dwelling units and places of business on all public streets and address numbers and/or building numbers for dwelling unit and nonresidential developments located on public and private streets shall be assigned by the county in accordance with its administrative procedures. All dwellings and places of businesses subdivided within apartments, condominiums, or suites will be further assigned by the developer and approved by the city. The developer will send proper notification of all assigned addresses and sub addresses to the county and united states post office.

- A. *Required.* Every dwelling unit, place of business or other building having a street address to it under the system of numbering in the city shall display such address number, visible for a distance of 150 feet, in a readily visible manner consistent with the requirements of this

division. Multiple-family complexes shall be required to have each individual unit number displayed in a readily visible manner consistent with the requirements of this section.

- B. *Residential specifications.* The address of the residential dwelling unit shall be in figures of at least three (3) inches high on a contrasting background of a material that will allow 24-hour visibility if placed within 15 feet of the back of the street curbing or edge of the street surface. If the address is placed beyond the 15-foot limit, the figures shall be at least six (6) inches in height. In no event shall the address be placed beyond 50 feet of the back of the street curbing or edge of the street surface.

Sec. 105-20. Construction Appeals and the Zoning Board of Appeals.

- A. *Authority.* The zoning board of appeals, as defined in Article 10, Section 1005 shall have the power to hear the appeals of decisions and interpretations of the building official and consider variances of the construction codes.
- B. *Appeals.*
1. *Decision of the building official.* The owner of a building, structure, or service system, or his duly authorized agent, may appeal a decision of the building official, the inspector and/ or the plan reviewer to the zoning board of appeals whenever any one of the following conditions are claimed to exist:
 - a. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
 - b. The provisions of the construction codes do not apply to this specific case.
 - c. An equally good or more desirable form of installation can be employed in any specific case.
 - d. The true intent and meaning of the construction codes or any of the regulations there under have been misconstrued or incorrectly interpreted.
 2. *Variances.*
 - a. The zoning board of appeals, when so appealed to and after a hearing, may vary the application of any provision of the construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the construction codes or public interest, and also finds all of the following:
 - i. Special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others.
 - ii. The special conditions and circumstances do not result from the action or inaction of the applicant.
 - iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by the construction codes to other buildings, structures, or service system.
 - iv. The variance granted is the minimum variance that will make possible the reasonable use of the building, structure, or service system.

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- v. The grant of the variance will be in harmony with the general intent and purpose of the construction codes and will not be detrimental to the public health, safety, and general welfare.
- b. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with the construction codes. Violation of the conditions of a variance shall be deemed a violation of the construction codes.
- 3. *Notice of appeal.* Notice of appeal shall be in writing and filed within 21 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the director of planning and shall state with specificity the grievance(s) of the appellant and detail objections to specific determinations and decisions of the building official.
- 4. *Unsafe or dangerous buildings or service systems.* In the case of a building, structure, or service system, which, in the opinion of the building official, is unsafe, unsanitary, or dangerous, the director of planning may, in his order, limit the time for such notice of appeals to a shorter period.

Sec. 105-21. Violations and Penalties.

- A. Any person, corporation, partnership or other entity who violates a provision of the construction codes or fails to comply with any of the requirements thereof, or who erects, constructs, alters, installs, demolish, or move any structure, electrical, gas, mechanical, or plumbing system, in violation of a detailed statement or drawing submitted and permitted, shall be subject to citations for violations issued by the director of planning of the City of Lilburn.
- B. Any person, corporation, partnership or other entity violating this chapter shall be tried before the municipal court of the City of Lilburn. Upon conviction of a violation of the ordinance, penalties assessed will coincide with current penalties as specified in article IV .sec.4.13(c) of the city charter.

Sec. 105-22—105-55. - Reserved