

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, TO REPLACE SUBPART B, CHAPTER 105, ARTICLE IV, DIVISION 2 OF THE CITY'S CODE OF ORDINANCES; TO UPDATE THE ANNUAL INSPECTION REQUIREMENTS OF THE MULTIFAMILY RENTAL HOUSING; TO QUANTIFY AND QUALIFY ALL REQUIRED THIRD-PARTY INSPECTIONS; TO ESTABLISH ALL REQUIRED COMPLIANCE DOCUMENTATION.**

**BE IT ORDAINED** by the Mayor and City Council of the City of Sandy Springs, Georgia that Subpart B (Land Development), Chapter 105 (Buildings and Building Regulations), Article IV (Property Maintenance and Housing Standards), Division 2 (Multifamily Rental Housing) of the City of Sandy Springs - Code of Ordinances is REPLACED as follows:

**SECTION I:** Subpart B, Chapter 105, Article IV, Division 2 of The Code of the City of Sandy Springs, Georgia, is hereby replaced with the following:

**Sec. 105-118 - Definitions.**

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Certified Building Inspector*** means any person inspecting for compliance with the various adopted codes who is a registered Architect or a licensed Civil/Structural Engineer in the State of Georgia or holds either an ICC Commercial Combination Inspector certification or an ICC Property Maintenance and Housing Inspector certification. Responsible for the interior inspection of all *Multifamily Rental Dwellings* and *Multifamily Rental Units*. All *Certified Building Inspectors* shall complete an annual certification course presented by the City of Sandy Springs.

***Certificate of Insurance*** is a document issued by an insurance company or broker that verifies the existence of an insurance policy and summarizes the key aspects and conditions of the policy including the policyholder's name, the policy's effective date, the type of coverage, policy limits, and other important details of the policy.

***Citation:*** An official summons to appear before a court of law for any violation or failure to comply with the City Code and/or its referenced standards that is issued by a duly authorized officer of the City. Refer to City Code Section 1-10 – Penalties for Violation of Code for additional information.

***City Inspector(s)*** means any City employee or their designee responsible for enforcing the Multifamily Rental Housing ordinance. The following City departments/divisions and their responsibilities are listed below:

1. ***Building Department:*** Responsible for the overview and final approval of all *Trade Inspector* reports.
2. ***Code Enforcement:*** Responsible for an overall review of all common space/amenity areas and for investigating interior and exterior resident complaints. Responsible for the review and approval of the *Certified Building Inspector* reports.

3. **Fire Marshal's Office:** Responsible for the overall review of all life safety devices and fire deterrent and suppression systems as it relates to preventing loss of life, injuries, and property due to fire. Responsible for the review and approval of the *Fire & Life Safety System Contractors'* reports and fire-related portions of the *Certified Building Inspector* reports.

**City Inspection Reports** include all standardized reports generated by all *City Inspectors*.

**Code Compliance Certificate** means the official document provided by the City to the *Owner* stating that all of the existing *Multifamily Rental Housing* complies with all the codes and referenced standards referenced herein at the time of inspection. A new *Code Compliance Certificate* will be issued each year after full compliance is verified by the City. The current year *Code Compliance Certificate* shall be displayed in a prominent location.

**Elevator Inspections:** Each elevator used or proposed to be used in Georgia must be thoroughly inspected regularly by the State of Georgia Office of Insurance and Safety Fire Commissioner. However, any deficiencies noted by the City of Sandy Springs will be required to be corrected per the Property Maintenance Code.

**Fire & Life Safety System Contractors** means any person inspecting the *fire alarm systems*, the *fire suppression (sprinkler) systems*, and *private fire hydrants* for proper operation as it relates to life safety. Additional information about each of the fire and life safety systems and the minimum credentials required for their inspection are as follows:

1. **Fire Alarm System:** Any single device or assembly of equipment designed to signal the occurrence of a fire, illegal or unauthorized entry, or other activity requiring immediate attention and to which a public safety department will be requested to respond, but does not include alarms installed in motor vehicles, domestic violence alarms, or alarms designed to elicit a medical response. A *Fire Alarm System* also includes a system or portion of a combination system consisting of components and circuits arranged to monitor and/or exterior annunciate the status of an alarm signal or supervisory signal-initiating devices and to initiate the appropriate response to the emergency alarm signal. All *fire alarm system* companies shall be licensed by the Office of Insurance and Safety Fire Commissioner in the State of Georgia. All inspectors shall have a Level II certification in Fire Alarm Systems from the National Institute for Certification in Engineering Technologies (NICET).
2. **Fire Suppression (Sprinkler) System:** Any system used to extinguish, control, or in some cases, entirely prevent fires from spreading or occurring. All fire suppression system inspectors shall be licensed by the Office of Insurance and Safety Fire Commissioner in the State of Georgia.
3. **Private Fire Hydrant:** Any valved connection to a water main or water supply system to supply water to a fire hose or fire protection apparatus, which fire hydrant is owned by a non-governmental entity and located on private property, including any residential private street where there is ownership of the street by an individual, group of individuals, or a legal entity. All *private fire hydrant* inspectors shall be licensed by the State of Georgia as either of the following: 1) Licensed Utility Contractor; 2) Licensed Fire Sprinkler Contractor; or 3) Licensed Plumber

**Fire Barrier** is a fire-resistance-rated wall assembly of materials designed to restrict the spread of fire in which continuity is maintained.

**Fire extinguisher** shall mean a portable device that discharges a dry powder or chemical material to extinguish a fire.

**Inspection Report** means any report generated by any *City Inspectors* or *Third-Party Inspectors*.

**Intumescent paint** means a type of fire-retardant paint that provides passive fire protection to a building by slowing down the progress of a fire and protecting the underlying structures.

**Lease or Leased** means any written or oral agreement that sets forth any conditions concerning the use and occupancy of *Multifamily Rental Dwellings* or *Multifamily Rental Units*.

**Multifamily Rental Housing (MRH)** means any *Multifamily Rental Unit* and/or any *Multifamily Rental Dwelling* as defined below:

1. **Multifamily Rental Dwelling** means any multifamily structure, multifamily building, or other facility promised and/or *leased* to a residential tenant or tenants for use as a home, residence, or sleeping unit. This definition includes but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, rooming houses, group homes, and flats.
2. **Multifamily Rental Unit** means any one area, room, structure, flat, apartment, or facility of a *multifamily rental dwelling* that is being *leased* or rented to only one tenant, group of tenants, or family under one *lease*, or under terms of joint and severable liability.

**Occupant(s)** means all tenants, lessees, and persons residing within a *Multifamily Rental Dwelling* or *Multifamily Rental Unit*.

**Owner(s)** means any person, agent, firm, or corporation having a legal or equitable interest in the *premises* including any property management company.

**Owner Inspection Reports** include all standardized reports generated by the *Owner* of a *Multifamily Rental Housing*.

**Owner-occupied** means any part of a structure used as living quarters by the owner of the said structure whereas other parts of the structure are used as *Multifamily Rental Units*.

**Premises** means any lot or piece of land inclusive of the *Multifamily Rental Dwelling* or *Multifamily Rental Unit*.

**Swimming Pool Inspections:** Public swimming pools are subject to periodic county inspections. However, any deficiencies noted by the City of Sandy Springs will be required to be corrected per the Property Maintenance Code.

**Third-Party Inspector(s)** include all *Certified Building Inspectors*, *Fire & Life Safety System Contractors*, and *Trade Inspectors* hired by the *Owner* to perform inspections.

**Third-Party Inspection Report(s)** include all standardized reports generated by all *Certified Building Inspectors*, *Fire & Life Safety System Contractors*, and *Trade Inspectors*.

**Trade Inspector(s)** means any person inspecting the mechanical, electrical, and/or plumbing components of a *building* for safety and code compliance with the various adopted codes. Each of the *trade inspectors* shall have the following credentials:

1. **Mechanical Trade Inspector:** Licensed Conditioned Air Contractor in the State of Georgia
2. **Electrical Trade Inspector:** Licensed Electrical Contractor in the State of Georgia
3. **Plumbing Trade Inspector:** Licensed Plumber in the State of Georgia

**Sec. 105-119. Intent**

The purpose of the *Multifamily Rental Housing* ordinance is to provide a reasonable level of safety, public health, and general welfare to the *occupants* of *Multifamily Rental Housing* through periodic and annual inspections of the property to ensure structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire, explosion and other hazards including providing a reasonable level of safety to firefighters and emergency responders during emergency operations.

**Sec. 105-120. Code Compliance**

All buildings, structures, pools, and *premises* shall comply with the latest edition of the International Property Maintenance Code, Fire Code, NFPA 101 – Life Safety Code, and all referenced codes and standards herein that are adopted by the City at the time of inspection.

**Sec. 105-121. Maintenance**

The *Owner* of the *Multifamily Rental Housing* shall be responsible for the maintenance of all buildings, structures, pools, and *premises* at all times. All equipment systems, devices, and safeguards required by this code or a previous regulation or code under which the buildings, structures, pools, and *premises* were constructed, altered, or repaired shall be maintained in good working order.

**Sec. 105-122. Creation of Enforcement Agency.**

The Multifamily Rental Housing Task Force (MRH Task Force) is hereby created and the official in charge thereof shall be the Chief Building Official. The MRH Task Force shall consist of the *Building Department, the Code Enforcement Division, and the Fire Marshal's Office* of the City of Sandy Springs.

**Sec. 105-123. Deputies.**

By the prescribed procedure of this jurisdiction and with the concurrence of the appointing authority, the Chief Building Official shall hereby delegate the City's *Building Department, Code Enforcement Division, and the Fire Marshal's Office* as *City Inspectors*. Such employees shall have powers as delegated by the Chief Building Official.

**Sec. 105-124. Duties and Power of the MRH Task Force.**

The MRH Task Force is hereby authorized and directed to enforce the provisions of this code and to establish the minimum requirements for the inspection of all *Multifamily Rental Housing* including all buildings, structures, pools, and *premises* on the property. The inspection requirements may be modified from time to time by the MRH Task Force to comply with the adoption, revision, or amendment of all applicable laws, codes, certifications, or standards.

**Sec. 105-125. Inspections.**

All owners of *Multifamily Rental Housing* within the City are required to obtain the services of *Certified Building Inspectors* and *Fire & Life Safety System Contractors* on an annual basis to inspect 100 percent of the buildings, structures, pools, and *premises* on the property. Additionally, the owner shall obtain the services of *Trade Inspectors* to inspect all mechanical, electrical, and plumbing equipment and services located on the property every five years. Additional inspections shall be provided by the Owner and the *City Inspectors*.

In addition to the code requirements listed herein, the City also requires the following life-safety items that are also subject to inspections:

- (1) Fire Suppression System: All vent hoods, or open areas located above a stove or cooking range, shall be equipped with a National Science Foundation (NSF) certified automatic fire suppression device. Such devices shall be always maintained in an operable condition by the owner or their authorized property management company. This section shall not apply to any *multifamily rental unit* that is equipped with an operable sprinkler head as part of a fire suppression (sprinkler) system.
- (2) Fire Extinguishers: The owner is required to install and maintain all *fire extinguishers* in good working condition, and compliant with all applicable laws and standards, including a current service tag from a licensed *fire extinguisher* contractor indicating the *fire extinguisher* has been serviced within the past 365 days. A *fire extinguisher* is required to be located as follows:
  - (a) Interior Units: A *fire extinguisher* classified as a 2A10BC extinguisher or larger with at least five (5) pounds of extinguishing powder shall be located within each *Multifamily Rental Dwelling* and *Multifamily Rental Unit* not equipped with an operable sprinkler head as part of a fire suppression (sprinkler) system.
  - (b) Common Areas: A *fire extinguisher* classified as a 4A60BC extinguisher or larger with at least ten (10) pounds of extinguishing powder shall be located in all common areas, including all hallways and breezeways, on each floor of all structures within a *Multifamily Rental Housing* property.
- (3) Fire Protection: All areas of any *Multifamily Rental Housing* shall have the following fire protection measures installed:
  - (a) Vertical Chase Protection: All open vertical chases that extend into the attic shall be sealed with fire blocking at the attic floor line in accordance with the International Building Code.

- (b) Exposed and Unprotected Wood: All areas without a fire suppression (sprinkler) system, where there are interior exposed and unprotected wood framing studs or plywood, including any attic area not otherwise protected by a dry fire suppression (sprinkler) system, shall be protected by one of the following:
- (i) Fire Barrier: A two-hour rated *fire barrier* shall be installed that extends from the top of the foundation or floor/ceiling assembly below to the underside of the floor or roof sheathing in the attic. A single layer of 5/8" Type X gypsum board shall also be installed on the underside of the roof framing members and shall extend a minimum of 4'-0" on each side of the *fire barrier*. Each *fire barrier* shall be installed as necessary to create separate fire areas that have no more than two units in each fire area; or as otherwise approved by the Chief Building Official.
  - (ii) Intumescent Paint: All surfaces of exposed and unprotected wood shall be painted with *intumescent paint* in accordance with the manufacturer's specifications. An on-site, third-party inspection is required after installation to verify compliance with the manufacturer's specifications. Thereafter, *intumescent paint* shall be reapplied and maintained where there is a surface breach of the paint and/or in accordance with the manufacturer's specifications.  
  
As of December 6, 2023, all existing *Multifamily Rental Housing* shall have the initial installation of *intumescent paint* installed. The *Owner* shall maintain the *intumescent paint* per this section and when reapplication is required, the *Owner* shall have the option to install any of the options listed in the Exposed and Unprotected Wood section of this code.
  - (iii) Fire Suppression (Sprinkler) System: For exposed and unprotected wood in attics, a fire suppression (sprinkler) system shall be installed in accordance with NFPA 13 or NFPA 13R.
- (4) Self-Closing Doors: All doors providing access to interior corridors, breezeways, or stairs in any *Multifamily Rental Housing* shall be self-closing or equipped with a device that will ensure closing after having been opened. The *Owner* is required to always keep and maintain such doors in good working condition. Any existing *Multifamily Rental Housing* at the time of this ordinance shall have up to two (2) years to conform to the provisions of this ordinance.
- (5) Non-Combustible Siding: All non-sprinklered *Multifamily Rental Housing* with an exterior shared breezeway shall have the exterior material replaced with a non-combustible material. Any existing non-sprinklered *Multifamily Rental Housing* at the time of this ordinance shall have up to two (2) years to conform to the provisions of this ordinance.

#### **Sec. 105-126. Inspection Reports.**

A separate written record of inspection for each unit shall be provided for each *Owner Inspection Report* and *Third-Party Inspection Report*. Furthermore, each *Owner* and *Third-Party Inspector* shall keep a written record of all inspections that include the date of the inspection, items inspected, and all violations with photos, if any, observed. If violations are observed, a reinspection shall be required as needed and a written record of each inspection and reinspection shall be generated by the *Owner* and *Third-Party Inspectors* until full code compliance can be verified.



Upon initial inspection of the buildings, structures, pools, and *premises* on the property, should any *Third-Party Inspector* or *City Inspector* determine that further work is necessary to comply with the minimum standards set forth herein, the MRH Task Force shall specify the timeframe allowed to bring any deficiencies noted into compliance. Depending on the severity of the deficiencies noted, an extension may be granted for the completion of repairs and compliance with this division. No extension shall be granted for any life safety issues. Where life safety issues are involved within a unit and cannot be repaired in a timely manner as specified by the MRH Taskforce, any such units shall cease to be occupied and shall not be *leased* until brought into compliance.

A record of all *inspection reports*, logs, and *Code Compliance Certificates* shall be kept on-site in a three-ring binder and shall be made available to any inspector upon request. Failure to maintain a copy of all the records or failure to provide such records to the inspector shall result in a *citation*.

The following table specifies the required inspection types, report frequency, and the responsible party:

Report Frequency Table		
Required Inspection Types	Report Frequency	Responsible Party
<b>City of Sandy Springs</b>		
Fire Marshal	Annually	City of Sandy Springs
Code Enforcement	Annually	City of Sandy Springs
<b>Third-Party Inspections</b>		
Certified Building Inspector	Annually	Third-Party Inspector <sup>2</sup>
Fire Alarm System	Annually	Third-Party Inspector <sup>2</sup>
Fire Suppression System <sup>1</sup>	Annually	Third-Party Inspector <sup>2</sup>
Private Fire Hydrant <sup>1</sup>	Annually	Third-Party Inspector <sup>2</sup>
Fireplace & Chimney Inspector <sup>1</sup>	Annually	Third-Party Inspector <sup>2</sup>
Mechanical Trade Inspector	5 years	Third-Party Inspector <sup>2</sup>
Electrical Trade Inspector	5 years	Third-Party Inspector <sup>2</sup>
Plumbing Trade Inspector	5 years	Third-Party Inspector <sup>2</sup>
<b>Property Owner Inspections</b>		
Dryer Vent Cleaning Log	Annually	Owner/Maintenance

- Footnotes:
1. Only required for *Multifamily Rental Housing* that has these items.
  2. Hired by the *Multifamily Rental Housing owner* or their authorized property management company.

**Sec. 105-127. Inspection Report Submittals.**

All *Owner* reports and *Third-Party Inspection Reports*, in accordance with the Report Frequency Table referenced herein, shall be completed by December 31<sup>st</sup> of each calendar year. Failure to submit any required report by the deadline shall result in a separate *citation* issued per report that is not issued by the deadline.

All completed *Owner reports* and *Third-Party Inspection Reports*, regardless of whether deficiencies were noted, shall be submitted to the City through the online compliance portal within 10 business days of completion. Each completed report shall be subject to a fee in accordance with Section 22-35 - Maintenance and Reporting of Records for Fire and Life Safety Systems.

**Sec. 105-128. Penalty For False Inspection and Reporting.**

An *Owner* who knowingly participates in furnishing false inspections and/or reports to the City that contains a false compliance certification shall be guilty of a violation of this Code for each *Multifamily Rental Dwelling* and/or *Multifamily Rental Unit* for which the certification is shown to be false. Each violation shall result in a *citation* in accordance with Section 1-10 – Penalties for Violation of Code.

Any *Third-Party Inspector* who furnishes a *Third-Party Inspection Report* which knowingly contains fraudulent information that a *Multifamily Rental Dwelling* or *Multifamily Rental Unit* meets the minimum housing standards of the City referenced herein shall be guilty of a violation of this Code for each *Multifamily Rental Dwelling* and/or *Multifamily Rental Unit* for which the report is shown to be false. Each violation shall result in a *citation* in accordance with Section 1-10 – Penalties for Violation of Code. In addition, the *Third-Party Inspector's* right to submit *inspection reports* to the City may be suspended for a stated period of time, up to five years, by resolution of the MRH Task Force.

**Sec. 105-129. Occupational Tax.**

All *owners* of *Multifamily Rental Housing* within the City that receive income for the use of four or more *Multifamily Rental Dwellings* or *Multifamily Rental Units* and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the City shall be subject to an occupation tax as provided in Section 54-116 – Occupational Tax Certificate Required. Failure to pay the occupational tax as provided herein shall be a violation of this section and is subject to those penalties outlined in Article V – Business and Occupational Taxes.

**Sec. 105-130. Code Compliance Certificate.**

All *owners* of *Multifamily Rental Housing* within the City are required to obtain a *Code Compliance Certificate* from the City on an annual basis. The certificate shall be issued after all *City Inspection Reports*, *Owner reports*, and *Third-Party Inspection Reports* have been verified for compliance with all applicable codes and standards referenced herein at the time of inspection. The *Code Compliance Certificate* shall be submitted with the application for a new, or renewal, occupational tax certificate. This section shall not apply for the initial year after the completion of new construction provided proper permits and the Certificates of Occupancy are obtained from the City.

Failure to provide a *Code Compliance Certificate* by the deadline noted shall result in a delinquent occupational tax certificate and shall result in a citation in accordance with Section 1-10 – Penalties for Violation of Code. Further, said failure, upon a judicial determination, shall be a condition constituting probable cause and may subject said *Multifamily Rental Housing* to inspection by the MRH Task Force at a fee, as determined by a judicial determination, that covers all costs of such inspection by the city. Said inspection by the city, if required, shall be at the sole cost of the *owner* and failure to pay said cost shall result in a lien being placed on the premises as provided for the collection of taxes.



**Sec. 105-131. Property Manager Certification.**

All *owners* of each *Multifamily Rental Housing* within the City are required to complete a property management training session on an annual basis at the City. The goal of this training session is for the *owner* and/or Property Manager to familiarize themselves with the current *Multifamily Rental Housing* ordinance and to provide guidance on owner responsibilities as it relates to property maintenance, life safety, required inspections, and reporting.

After attending the training session, the individual will obtain a Certification of Completion issued by the City that will be required to be submitted with an application for a new, or renewal, occupational tax certificate. Failure to provide the referenced Certificate of Completion for the active property manager physically located on the *Multifamily Rental Housing* property shall result in a delinquent occupational tax certificate and shall be a violation of this division and is subject to those penalties contained herein and in Section 1-10 – Penalties for Violation of Code.

**Sec. 105-132. Certificate of Insurance.**

All *owners* of *Multifamily Rental Housing* within the City are required to possess and maintain an insurance policy for all buildings and structures located on the *Multifamily Rental Housing* property. A *Certificate of Insurance* shall be submitted with the application for a new, or renewal, occupational tax certificate. Failure to provide a *Certificate of Insurance* by the deadline noted shall result in a delinquent occupational tax certificate and shall result in a citation in accordance with Section 1-10 – Penalties for Violation of Code.

**Sec. 105-133. Third-Party Inspector Approval.**

All *Third-Party Inspectors* are required to submit to the City on an annual basis a copy of their current professional license(s) and/or certification(s) that are required for their inspection scope of work as specified herein. All *Third-Party Inspectors* shall also submit an affidavit to the City stating that they have read the *Multifamily Rental Housing* ordinance and understand the policies and procedures for their scope of work. A list of qualified *Third-Party Inspectors* shall be made available by the City on an annual basis. The goal of verifying professional licenses and certifications is to ensure that qualified inspectors are conducting the inspections to ensure the safety and welfare of the public and tenants of the *Multifamily Rental Housing*.

**Sec. 105-134. Safety Education.**

The MRH Task Force shall make available to *owners* and tenants resources and information describing safety information and standards for *Multifamily Rental Housing*.

**SECTION II:** It is the intention of the City Council, and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers, and section numbers as and where appropriate.

**SECTION III:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION IV:** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

**SECTION V:** This Ordinance shall become effective immediately upon adoption.

**APPROVED AND ADOPTED** this the 5<sup>th</sup> day of September, 2023.

Approved:

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Russell K. Paul, Mayor

Attest:

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Raquel D. González, City Clerk  
(Seal)