

STATE OF GEORGIA
CITY OF TEMPLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF TEMPLE, GEORGIA; ADDING CODE SECTION _____ ADOPTING THE STATE OF GEORGIA'S MINIMUM STANDARD CODES; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the State of Georgia has codified state minimum standard codes; and

WHEREAS, the City of Temple recognizes a need to ensure its buildings are constructed and maintained pursuant to at least the minimum standard codes of the State of Georgia; and

WHEREAS, the City of Temple, in the interest of public health, safety, and welfare, find and declare that it is necessary to implement an ordinance adopting the state minimum codes as the standard for construction and maintenance of buildings within the City of Temple.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Temple and under the authority thereof.

TECHNICAL CODES

1. State minimum standard codes adopted.

- (a) The city hereby adopts and incorporates by reference, as if set out at length herein, the latest editions of the state minimum standard codes enumerated in O.C.G.A. § 8-2-20(9)(A)(i) and (B)(i), as adopted and

amended by the department of community affairs (hereinafter referred to as the "state minimum standard codes").

- (b) All buildings and structures of every kind or character erected, built, repaired, renovated or expanded in the city shall be erected, built, repaired, renovated or expanded in accordance with the state minimum standard codes, and no permit shall be issued for the erection, building, repair, renovation or expansion of any building or structure of any kind unless the same to be erected, built, repaired, renovated or expanded in the city shall be erected, built, repaired, renovated or expanded in accordance with the state minimum standard codes.
- (c) At least one copy of each of the state minimum standard codes shall be kept on file at City Hall.
- (d) Where reference is made in the state minimum standard codes to the duties of certain officials named therein, the designated official of the city who has duties corresponding to those of the named official in the state minimum standard codes shall be deemed to be the responsible official insofar as enforcing the provisions of the state minimum standard codes is concerned.


Rick Ford, Mayor

Date 8-4-08


City Clerk

Date 8-4-08

_____ An Ordinance to amend the Code of Ordinances, City of Temple,
Georgia; adding code section _____ adopting the state minimum standard codes; to
provide severability; to provide penalties; to provide for repeal of conflicting Ordinances;
to provide for adoption and effective date; to provide for codification; and to provide for
other lawful purposes.

First reading 8-4-08 . Adopted 8-4-08 _____.

Chapter 6 - BUILDINGS AND BUILDING REGULATIONS^[1]

Footnotes:

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State Law reference— Authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12); construction standards generally, O.C.G.A. § 8-2-1 et seq.; minimum state construction codes, O.C.G.A. § 8-2-25; enforcement of minimum state construction codes, O.C.G.A. § 8-2-26; providing of fire escapes by building owners, O.C.G.A. § 8-2-50; access to and use of public facilities by physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; authority to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7.

Sec. 6-1. - Interpretation of chapter.

This chapter shall be deemed an exercise of the police powers of the city for the preservation and protection of the public health, peace, safety and welfare, and all its provisions shall be liberally construed for that purpose. This chapter shall be construed together with the other provisions of this Code and other ordinances of the city relating to the construction and use of buildings and structures, and in the event of the conflicts with those provisions or ordinances, the provision deemed to achieve the greatest promotion of the public welfare shall be deemed controlling.

Sec. 6-2. - Penalties for violations.

Any person convicted in the municipal court of the violation of any of the terms of this chapter or the codes adopted hereby shall be punished as provided in section 1-8. Each day that a violation continues shall constitute a separate offense.

Sec. 6-3. - Definitions.

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

Building official or *building inspector* means the qualified building official or qualified building inspector as designated by the city.

Code enforcement officer means the qualified code enforcement official as designated by the city.

Sec. 6-4. - Technical building and construction codes adopted.

(a) Unless otherwise provided for by subsequent ordinance or another provision of this Code, the technical building and construction codes listed in this section are adopted by reference and incorporated into this Code as if set out fully herein, including the administration and appendix chapters also contained in those codes. The state minimum codes enumerated under O.C.G.A. § 8-2-20(9), as now or hereafter revised or modified pursuant to state law:

- (1) International Building Code, 2012 Edition, with Georgia Amendments 2014.
- (2) International Residential Code, 2012 Edition, with Georgia Amendments 2014.
- (3) International Fire Code, 2012 Edition, with Georgia Amendments 2014.
- (4) International Plumbing Code, 2012 Edition, with Georgia Amendments 2014.

- (5) International Mechanical Code, 2012 Edition, with Georgia Amendments 2014.
- (6) International Fuel Gas Code, 2012 Edition, with Georgia Amendments 2014.
- (7) National Electrical Code, 2011 Edition.
- (8) International Energy Conservation Code, 2009 Edition, with Georgia Supplements and Amendments 2011 and 2012.
- (9) International Property Maintenance Code, 2006 Edition, with Georgia Amendments 2009.
- (10) International Existing Building Code, 2006 Edition, with Georgia Amendments 2009.
- (11) International Swimming Pool and Spa Code, 2012 Edition, with Georgia Amendments 2014.
- (b) If any of the publications listed in subsection (a) of this section are adopted as a state minimum code pursuant to O.C.G.A. § 8-2-20 et seq., then the edition adopted by the state shall control. If any of the publications listed in subsection (a) of this section are less stringent than the state minimum codes promulgated pursuant to O.C.G.A. § 8-2-20 et seq., then the state minimum code shall control.
- (c) The copies of each of the publications listed in subsection (a) of this section are adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the city.

Sec. 6-5. - Officials.

When reference is made in the technical codes adopted by this chapter to the duties of certain officials named therein, then the designated official of the city who has duties corresponding to those of the named official in such codes shall be deemed to be the responsible official insofar as enforcing the provisions of such codes are concerned. The term "governing body" or "applicable governing body" as used in any of these codes shall refer in each instance to the mayor and city council.

Sec. 6-6. - Copies available; maintenance.

The copy of the codes and amendments adopted under this chapter and filed with the office of the city manager shall be municipal property and shall be preserved by the city manager and the city clerk and maintained in a manner convenient for public examination and use and shall be open to public examination and use in the office of the city clerk during regular business hours, but shall not be taken out of the office for any reason except for use in a trial of an issue related to the terms of this chapter, before the municipal court, the zoning board of appeals or the courts of the state.

Sec. 6-7. - Fees.

Fees imposed under this chapter, and the codes adopted by this chapter, shall be as set forth in the schedule of fees and charges on file in the office of the city clerk.

Sec. 6-8. - Violations; presumption violator is owner.

It shall be unlawful for any person to violate the provisions of this chapter or the terms and standards adopted by reference thereby, to permit or maintain such violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation except as variation may be

allowed by action of the zoning board of appeals in writing. Proof of such unlawful act or failure to act or failure to comply shall be deemed prima facie evidence that such act or omission is the act of the owner of the property. Prosecution, or lack thereof, of either the owner or the occupant shall not be deemed to relieve the other.

Sec. 6-9. - Enforcement; interpretations of rules; request for variance.

The building inspector shall have the responsibility for making interpretations of the rules adopted by this chapter, and for deciding upon the approval of equipment and materials, and for the granting of the special permission contemplated in a number of the rules. Any person aggrieved by the rulings of the building inspector or the fire chief with respect to this chapter may appeal for a variance to the zoning board of appeals as provided in section 6-10. In conducting inspections of buildings, the building inspector shall apply the standards adopted by this chapter.

Sec. 6-10. - Noncompliance; notice of violation; appeals; order to vacate.

In the event that the code enforcement officer, building inspector, or the fire chief shall find deviations from or noncompliance with the terms and standards adopted by this chapter, either one may issue a written notice of violation, which shall be posted on the premises, and a copy of which shall be mailed to the last known address of the owner of the premises. An appeal from the notice of violation may be made in a request for variance to the zoning board of appeals within 30 days of the date of issuance. Notice of violation may, in the event the fire chief or the building inspector determines that there is a clear, present, immediate and dangerous hazardous condition, dangerous to life, include an order to vacate the premises, and noncompliance with such an order shall be a violation of this chapter.

Sec. 6-11. - Nuisance abatement proceedings following failure to correct violations.

In the event of failure or refusal to correct the conditions specified in the notice of violation within 30 days, then upon the request of either the code enforcement officer, building inspector, or the fire chief, the city council may initiate proceedings under the nuisance provisions of this Code to abate the condition complained of as a public nuisance.

Sec. 6-12. - Request for variance; automatic stay of nuisance abatement proceedings or prosecutions; exception for clear and present danger.

The taking of a request for variance to the zoning board of appeals shall operate to stay any prosecution brought for violations of the terms of this chapter until the zoning board of appeals shall have decided not to grant the variance, and shall stay any proceedings before the city and council under the nuisance provisions of this Code, provided that such a request for variance shall not stay any prosecution for noncompliance with an order to vacate the premises based upon the determination in section 6-10 that the violation is a clear, present, immediate and dangerous hazardous condition, dangerous to life.

- (a) Any person who violates any provision of this article shall be subject to a fine not to exceed \$500.00 for each violation. Each violation shall constitute a separate offense and each day that such violation continues shall constitute a separate offense.
- (b) Any building or plumbing contractors, developers, etc., who violate the provisions of this article shall be subject to suspension of their business license for a period of up to 90 days.

- (4) Instances of building renovation where significant plumbing modifications would be required to accommodate the lower flows or for specialized purposes which cannot be accommodated by existing technology. Permission for the exceptions listed here must be obtained from the director of the appropriate governmental department administering these rules.