

ORDINANCE 2021-67 (A-21-14)

**AN ORDINANCE TO AMEND SECTION 5-7 OF THE CITY OF DORAVILLE CODE OF ORDINANCES
PERTAINING TO BUILDING PERMIT REQUIREMENTS AND EXEMPTIONS.**

- WHEREAS:** The Mayor and Council of the City of Doraville are charged with the protection of the public health, safety, and welfare of the citizens of Doraville;
- WHEREAS:** The City Council has determined that it is appropriate to modify the City of Doraville Code of Ordinances from time to time;
- WHEREAS:** The Council has determined that it is appropriate to clarify permit exemptions, the process for emergency permits, and items requiring a zoning permit; and
- WHEREAS:** A Public Hearing was held by the Doraville City Council.

NOW THEREFORE, the Mayor and City Council of the City of Doraville while in Regular Session hereby ordains that Section 5-12 of the City of Doraville Code of Ordinances shall be amended as follows:

Section 1: Sec. 5-12. - Violations. shall be amended to add the following:

Sec. 5-7. - Permits.

(a) *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 building official and obtain the required permit for the work. A permit shall not be issued to an owner, who is neither a licensed contractor nor the occupant of the structure being built or altered.
- (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 specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.
- (3) *Repairs.*
 - a. *Minor repairs.* Ordinary minor repairs with a value of less than one thousand five hundred dollars (\$1,500.00), involving no structural changes and new electrical, HVAC, or plumbing installations, may be made without a permit, provided that such repairs shall not violate any of the provisions of the construction codes.
 - b. *Emergency repairs.* Emergency repairs including the removal of fallen trees and repair to plumbing, electrical, framing, and HVAC/mechanical work is allowed prior to receipt of a building permit. All work should be thoroughly documented showing status prior to and after repair. Licensed contractors are required to perform any plumbing, electrical, and HVAC/mechanical work; or, to make any structural alterations or repair. No walls, ceilings, or floors are to be closed until the City inspects the work. Building permits must be filed within three (3) days of starting work. Where equipment replacements and repairs must be

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~~performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.~~

- (4) *Work exempt from permit.* Exemptions from permit requirements of this code (chapter 5, article I, buildings and building regulations) shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances, including the zoning ordinance, of this jurisdiction. Permits shall not be required for the following:

a. *Building.*

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than two hundred (200) square feet (11 m²).
- ~~2. Fences not over seven (7) feet (2,134 mm) high.~~
2. Exterior building repairs and replacements such as changes to siding, masonry, stucco, windows, and doors with no structural changes.
3. Oil derricks.
4. ~~Fence repairs. Retaining walls that are not over four (4) feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or IIIA liquids~~
5. Water tanks supported directly on grade if the capacity is not greater than five thousand (5,000) gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Interior remodels that do not impact building framing or structure such as painting, tile, cabinets, countertops, flooring, and trim. Walkways and driveways not more than thirty (30) inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route
- ~~7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~
7. Deck repairs (nonstructural).
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a group R-3 occupancy that are less than twenty-four (24) inches (610 mm) deep, are not greater than five thousand (5,000) gallons (18,925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings, supported by an exterior wall that do not project more than fifty-four (54) inches (1,372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches (1,753 mm) in height.
14. Minor, non-structural repairs to roofs as well as new roof coverings such as shingle or decking replacement.

b. *Electrical.*

1. Repair and maintenance so long as work does not take place within the wall structure.
~~1. Repairs and maintenance.~~
2. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

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3. Radio and television transmitting stations. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
 4. Temporary testing systems. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
- c. *Fuel gas.*
1. Portable heating appliance.
 - ~~2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.~~
- d. *Mechanical.*
- ~~1. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.~~
 - ~~1. Portable heating appliance.~~
 - ~~2. Portable ventilation equipment.~~
 - ~~3. Portable cooling unit.~~
 - ~~5. Replacement of any part that does not alter its approval or make it unsafe.~~
 - ~~6. Portable evaporative cooler.~~
 - ~~7. Self-contained refrigeration system containing ten (10) pounds (5 kg) or less of refrigerant and actuated by motors of one (1) horsepower (746 W) or less.~~
- e. *Plumbing.*
1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
 2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- f. *Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.
- (5) *Information required.* Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. 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, not covered by the building or structure, and shall contain such other information as may be required by the building official.
- (6) *Time limitations.* An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing for the permit, unless before then a permit has been issued. One (1) or more extensions of time for periods of not more than ninety (90) days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.
- ~~(7) Zoning Permits. Per Sec. 5-7 (4) all work must conform with the provisions of this code or any other laws or ordinances, including the zoning ordinance, of this jurisdiction. To help ensure conformance~~

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with the zoning ordinance, in some cases, a permit is required for zoning review only. These situations are outlined below:

- a. Accessory structures under 200 square feet unless exempt per Sec. 23-601.
- b. Driveway expansion or enlargement.
- c. New fences or fence replacements (less than 6 feet in height).
- d. Retaining walls less than 48" in Transect Zones (T3, T4, T5, and T6) and Special Districts.

(b) *Drawings and specifications.*

- (1) *Requirements.* When required by the building official, two (2) or more copies of specifications and of 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. Such information shall be specific, and the construction codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.
- (2) *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 to be prepared by an architect or engineer shall be affixed with their official seal.
- (3) *Design professional.*
 - a. The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications, and accompanying data, for the following:

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

 1. All group A, E, and I occupancies.
 2. Buildings and structures three (3) stories high or more in height.
 3. Buildings and structures five thousand (5,000) square feet (465 m²) or more in area.
 - b. Single-family dwellings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.
- (4) *Structural and fire resistance integrity.* Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor, or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes, and systems and indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.
- (5) *Site drawings.* Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified surveyor.
- (6) *Hazardous occupancies.* The building official may require the following:
 - a. *General site plan.* A general site plan, drawn at a legible scale, which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent accessways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment, and adjacent property

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uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

- b. *Building floor plan.* A building floor plan, drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.
- (c) *Examination of documents.*
 - (1) *Plan review.* The building official or designee shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, 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.
- (d) *Issuing permits.*
 - (1) *Action on permits.* The department 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 contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.
 - (2) *Refusal to issue permit.* If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other pertinent laws or ordinances, the building official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such 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 right-of-way.* A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley, or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the director of public works for the lines of the public street on which he proposes to build, erect, or locate said building; and it shall be the duty of the building official to see that the street lines are not encroached upon.
- (e) *Contractor responsibilities.* It shall be the duty of every contractor who shall make contracts for the installation or repairs of buildings, structures, electrical, gas, mechanical, sprinkler, or plumbing systems, for which a permit is required, 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 license before they are permitted to perform work, the contractor shall supply the local government with its license number before receiving a permit for work to be performed.
- (f) *Conditions of the permit.*
 - (1) *Intent.* A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside 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

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become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. One (1) or more extensions of time, for periods not more than ninety (90) days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the building official.

- (2) *Issued on basis of an affidavit.* Whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes. In the event such architect or engineer is not available, the owner shall employ in his place, a competent person or agency whose qualifications are reviewed by the building official.
 - (3) *Plans.* When the City issues a permit, they shall endorse, in writing or by stamp, both sets of plans "reviewed for code compliance." One (1) set of drawings so reviewed 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.
- (g) *Fees.*
- (1) *Prescribed fees.* A permit shall not be issued until the fees prescribed by the City Council have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, etc., has 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 in addition to the required permit fees.
 - (3) *Schedule of permit fees.* 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 Council.
 - (4) *Building permit valuations.* If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical, or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment, and other systems, including materials and labor.
 - (5) *Refunds.* The community development director is authorized to establish a refund policy.
 - (6) *Revocation of permit.* The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion 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.

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June 14, 2021

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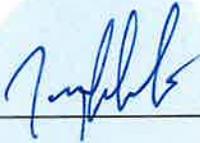
First Reading

Second Reading

So effective this 14 day of June, 2021.

Approved by:

Approved as to Form:



Joseph Geierman, Mayor



Cecil McLendon, City Attorney

So signed and witnessed this 14th day of June, 2021

Attest:



Shanta J. Bingham, City Clerk

