

CHAPTER 3. BUILDING REGULATIONS* ARTICLE A. BUILDING CODE*
Sec. 10-3001. BUILDING CODE; PROCEDURAL AMENDMENTS

The following are adopted amendments to the State Minimum Code – Accessibility in Georgia Code, all chapters of the International Code Council (ICC) including the following trades International Building Code (IBC), International Residential Code (IRC), International Plumbing Code (IPC), and International Property Maintenance Code (IMPC), National Electric Code (NEC), International Energy Conservation Code (IECC), International Mechanical Code (IMC) and International Fuel Gas Code (IFGC). In the event of any conflict between the foregoing and any provision of the State Minimum Code - International Code Council (ICC) and associated trades as adopted and amended by the State Department of Community Affairs, the foregoing shall control:

(1) All work performed under a permit issued shall conform to the approved application and plans and all codes or ordinances governing the work or equipment for which permits were issued. All work shall be performed by an individual contractor, firm, or corporation licensed to perform such work except when performed by an individual or members of his family in a single-family dwelling owned and occupied by that individual.

(2) Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of unlawful conduct and an offense. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. Upon conviction of any such violation such person shall be punished as provided by section 1-1006 of the Code of Ordinances of the City of East Point, Georgia.

(3) Permit fees: The fee schedule is developed by the Department of Planning and Zoning and adopted by the East Point City Council. Review of the fee schedule occurs on an annual basis. (Code 1963, § 6-1; Ord. No. 675-77, § 1-2, 12-19-77; Ord. No. 708-80, § 1, 3-17-80; Ord. No. 913-86, § 1(a), 7-7-86; Ord. No. 944-87, § 1, 7-6-87; Ord. No. 1129-96, § 1, 6-3-96; Ord. No. 1131-96, § 1, 6-3-96; Ord. No. 036-07, § 1, 10-15-07)

(4) Pursuant to Georgia law O.C.G.A. 43-41, the following contractor types must obtain a license from the Georgia State Board of Residential and General Contractors by July 1, 2008:

1. Residential-Basic Contractor: Those who perform contract work relative to detached one-family and two-family residences and one-family townhouses not over three stories in height.

2. Residential-Light Commercial Contractor: Those who perform contract work or activity related to multifamily and multiuse light commercial buildings and structures.
3. General Contractor: Those who perform unlimited contractor services in commercial construction, including private, public, institutional and industrial contracting.

(Ord. No. 006-12, § 1, 03-19-2012)

Sec.10-3002. DEFINITIONS; QUALIFICATIONS OF BUILDING OFFICIAL

Whenever the term "building official" is used in the adopted edition of the International Building Code, it shall indicate and refer to the building official as designated by the Director of the Department of Planning and Zoning. Such designee shall meet the minimum qualification requirements as defined by the adopted edition of the International Building Code.

(Ord. No. 913-86, § 2, 7-7-86; Ord. No. 944-87, § 2, 7-6-87; Ord. No. 036-07, § 1, 10-15-07)

Sec. 10-3003. DEFINITIONS

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

(1) *Contractor* shall mean any person, firm, company, entity or business that contracts for the construction of an entire building or project, rather than for a portion of the work. A contractor has the ability to hire subcontractors and is responsible for subcontractor(s) complying with the provisions required herein. Any person(s) and their relatives shall not be considered contractors when the project takes place on any property owned and occupied by that person.

(2) *Project* shall mean any construction, repair, improvement or modification to any structure.

(3) *Performance bond* shall mean a surety bond which guarantees that the contractor will fully perform the contract and guarantees against the breach of said contract. The proceeds of the bond are used to complete the contract or compensate for loss in the event of nonperformance.

(4) *Relative* shall mean any individual who is related by affinity or consanguinity within the third degree as determined by common law, or individual in a step or adoptive relationship within such third degree.

(5) *Structure* shall mean any construction, or any production or piece of work artificially built or composed of parts joined together in some definite manner. Any combination of materials that form a construction for occupancy, use or ornamentation whether installed above ground, below ground or on the surface of any parcel of land.

(6) *Subcontractor* shall mean anyone who takes a portion of a contract from a contractor, as defined by this chapter, or from another subcontractor.

(7) *Certificate of completion (CC)*. A certificate of completion is issued for existing buildings which have completed permitted renovations and already have a CO on file. (Ord. No. 041-03, § I, 12-1-03; Ord. No. 036-07, § 1, 10-15-07)

Sec.10-3004. REGISTRATION; BOND AND CORRECTION OF CODE VIOLATIONS

(A) It shall be the duty of every general contractor, electrical contractor, plumbing contractor, HVAC contractor, owner, individual or other entity who shall make contracts for the erection, construction or repair of buildings for which a permit is required, and every such contractor or builder making such contractor and subletting same, or any part thereof to register his name in a book provided for that purpose, with the building inspector, giving full name, residence and place of business, and in case of removal from one place to another to cause to be made a corresponding change in such register accordingly.

It shall be the duty of every general contractor obtaining a permit for construction to give good and sufficient bond in the sum of \$25,000.00, to be approved by the Chief Building Official, conditioned to conform to the building regulations provided in this chapter and other ordinances or laws of the applicable governing body in reference to buildings.

It shall be the further duty of every electrical contractor, plumbing contractor, HVAC contractor, owner, individual or other entity obtaining a permit for construction to give good and sufficient bond in the sum of \$10,000.00, to be approved by the Chief Building Official, conditioned to conform to the building regulations provided in this chapter and other ordinances or laws of the applicable governing body in reference to buildings.

(B) Any licensed plumbing contractor or licensed HVAC contractor shall in accordance with the dictates of O.C.G.A. § 43-14-12(b) execute and deposit with the judge of the probate court in the county of his principal place of business a code compliance bond in the sum of \$10,000.00. Such bond shall be a cash bond in the sum of \$10,000.00 or be executed by a surety authorized and qualified to write surety bonds in the state and shall be approved by the judge of the probate court. Such bond shall comply with and conform to the requirements specified by O.C.G.A. § 43-14-12(b) as to form. Prior to the issuance of any building permits by the Chief Building Official or his designee, any licensed plumbing contractor or licensed HVAC contractor who chooses to execute and deposit a code

compliance bond pursuant to the language of this subsection must furnish a copy of the approved code compliance bond to the Chief Building Official or his designee.

- (C) Any licensed plumbing contractor or HVAC contractor who has not executed and deposited with the judge of the probate court in the county of his principal place of business a code compliance bond as authorized by O.C.G.A. § 43-14-12(b) shall instead be subject to the code compliance bond requirements outlined in subsection (A) of this section.
- (D) The bond required in subsection (a) of this section from owners who obtain permits to perform work for themselves shall only be required when the cost of the work permitted in any one year exceeds \$10,000.00.
- (E) The bond required of a builder, electrical contractor, owner, individual, or other entity, or of any licensed plumbing contractor or licensed HVAC contractor who chooses not to execute and deposit a code compliance bond pursuant to section 10-3004 (B) and who seeks to obtain a permit for construction pursuant to section 10-3004, shall be a code compliance bond in favor of the City ensuring that all construction, installation and modifications be done in compliance with this Code with coverage extending for a period of one year from the date of the final inspection.
- (F) The bond required of any licensed plumbing contractor or licensed HVAC contractor who chooses to execute and deposit a code compliance bond pursuant to section 10-3004(B) and who seeks to obtain a permit for construction pursuant to section 10-3004 shall be a code compliance bond which conforms to the requirements of section 10-3004(B).
- (G) Any final inspection report and certificate of occupancy issued for any structure shall have noted thereon: "To the best of the city's knowledge and belief at the time of inspection, the structure has been erected in substantial compliance with applicable building codes. No oversight by the office of the Planning and Zoning shall excuse violation of any ordinance of East Point."
- (H) After issuance of any final inspection report, the City reserves the right for a period of one year to reinspect a dwelling for latent code violations which existed at the time of final inspection but were not detected. Any inspection made after the issuance of the final inspection report and before the termination of the one-year requirement by the office of the Chief Building Official shall be in response to a written complaint by the owner.
- (I) The builder, electrical contractor, plumbing contractor, HVAC contractor, owner, individual or other entity securing the permit shall be responsible for the correction of any code violations by him that are discovered during the period of construction and for a period of one year from the date of final inspection, excepting routine maintenance, abuse, modification and normal wear and tear.

(J) In responding to a written complaint and upon inspection of the dwelling, should the office of the Chief Building Official determine that there exists in any structure covered by a bond issued pursuant to subsections (a) or (b) of this section, any violations of this Code, the principal on any such bond, being the builder, electrical contractor, plumbing contractor, HVAC contractor, owner, individual or other entity obtaining a permit for construction, shall be notified by certified mail of the violation and shall be allowed ten (10) working days from the receipt of the notification to respond to the charge of violation and to meet with the office of the Chief Building Official regarding a remedy for the violation. It shall be the responsibility of said principal to ensure that the office of the Chief Building Official has a current mailing address for the principal on every permit until one year has elapsed from the final inspection. Unless the principal informs otherwise in writing, the address provided on the building permit shall be deemed to be the proper mailing address for notifications under this section. The principal shall have thirty (30) days from the date the notice of violation is received, refused, or returned to correct the violations cited in the notice. Should the principal not correct the violation in a manner satisfactory to the office of the Chief Building Official, or, in the judgment of the Chief Building Official, have not made satisfactory progress in remedying the violation within this 30-day period, then said principal shall be notified in writing of the default and the surety shall be called upon to remedy the default within forty-five (45) days of notification.

(K) The principal on the bond may appeal the notice of violation to the Planning and Zoning Commission provided by section 10-2180 et seq. to hear and rule on such complaints within twenty (20) days of the receipt of the notice of violation. The appeal must be in writing and filed in the office of the Chief Building Official. The appeal will be expeditiously reviewed by the appropriate plumbing, electrical, heating and air conditioning or home builders' advisory boards established to make recommendations on such matters. Should the Planning and Zoning Commission find the principal in violation of the code and in its judgment the violation is sufficiently serious as to affect the structural integrity or the expected normal service life of the structure or installed systems, or the safety and welfare of any occupants of the structure, the principal shall have thirty (30) days to remedy the violation to the satisfaction of the office of the Chief Building Official. Should the principal not correct the violation in a manner satisfactory to the office of the Chief Building Official, or, in the judgment of the Chief Building Official, have not made satisfactory progress in remedying the violation within this 30-day period, then he shall be notified in writing of his default and the surety shall be called upon to remedy the default within forty-five (45) days of notification.

(L) The surety's obligation shall be limited to an amount required to remedy the code violation, but in no event shall the obligation exceed the amount of the bond.

10-3004.1 CODE COMPLIANCE BOND; EXCEPTIONS

(A) *Waiver:* The homeowner, property owner, individual or other entity who shall make contracts for the erection, construction or repair of buildings for which a permit is

required, may present in writing, to the Chief Building Official, prior to issuance of a permit, statements indicating that he/she waives the requirement for a Code Compliance Bond. Such written waiver shall include the following information:

- a. Name, address and telephone number of homeowner, individual, or other entity making the contract
- b. Name, company name, address and telephone number of contractor/subcontractor performing the work
- c. Description of work to be performed including estimated cost
- d. Signature of homeowner, property owner, individual or other entity making the contract including date of signature
- e. Waiver letter must be notarized and dated

(B) Indemnification: In addition to the written waiver, the homeowner, property owner, individual or other entity who shall make contracts for the erection, construction or repair of buildings for which a permit is required, shall indemnify and hold harmless the City of East Point and the general contractor, electrical contractor, plumbing contractor or HVAC contractor against any and all liability, claims, suits, losses, costs and legal fees caused by, arising out of, or resulting from any negligent act or omission of the general contractor, electrical contractor, plumbing contractor or HVAC contractor in the performance and/or failure to perform including the negligent acts or omission of any general contractor, electrical contractor, plumbing contractor or HVAC contractor or any direct or indirect employees of the general contractor, electrical contractor, plumbing contractor or HVAC contractor.

(Ord. No. 041-03, § 2, 12-1-03; Ord. No. 036-07, § 1, 10-15-07; Ord. No. 009-09 § 06-29-09)

Sec. 10-3005. PENALTIES

Anyone in violation of this code or fails to comply therewith shall be guilty of unlawful conduct and an offense. Each person in violation of this code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed. Upon conviction of any said violation, said person shall be punished as provided by section 1-1006, as amended from time to time, of the Code of Ordinances of the City of East Point, Georgia.

(Ord. No. 041-03, § 3, 12-1-03)

Sec. 10-3006. RESPONSIBILITY FOR COMPLIANCE WITH CITY ORDINANCE, BUILDING AND CONSTRUCTION CODES, CONSTRUCTION STANDARDS, ETC

- (a) The responsibility for compliance with all ordinances, building and construction codes,

construction standards, and other authorities shall rest with the owner, developer, contractor or other party engaging in construction or land disturbance activity.

(b) City inspections provide the city with a preliminary review of construction and land disturbance activity within the city. These inspections, however, are not exhaustive and the city does not make exhaustive or continuous on-site inspections of projects.

(c) The city does not have control over and shall not be responsible for any construction and land disturbance means, methods, techniques, sequences, procedures or safety precautions contracted with a property owner. Moreover, the city shall not be responsible for any contractor's failure to carry out work in accordance with agreements between the contractor and property owner.

(Ord. No. 041-03, § 4, 12-1-03)

Sec.10-3007. CERTIFICATE OF OCCUPANCY

- A. Any owner, authorized agent, or contractor who desires to change the use of a building or structure shall first make application to the Chief Building Official, obtain the required permits, and obtain a Certificate of Occupancy prior to occupying said structure.
- B. A Certificate of Occupancy, indicating that a building, lot and use comply with the building code and this Zoning Code and Development Regulations is required. Said Certificate of Occupancy shall be posted on site where it is visible for inspection and said certificate is required in advance of occupancy or use of:
 - a. A building hereafter erected
 - b. A building hereafter altered
 - c. A change of type of occupancy or use of any building or land or;
 - d. A change in ownership of a building, land or business.
- C. The Chief Building Official shall sign and issue and the Fire Marshall shall sign a Certificate of Occupancy if the proposed use of land or a building, as stated on the Certificate of Occupancy, is found to conform to the applicable provisions of this ordinance and if the building, as finally constructed, complies with the plan submitted for the building permit. One (1) copy of all Certificates of Occupancy issued which contain a statement of the intended use of the applicable property, signed by the owner or his agent, and shall be kept on file in the Department of Planning and Zoning. Copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land involved, at the person's expense.
- D. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance, or unless the building or use, as finally constructed or developed, complies with the plans and information upon which the building permit was issued.
- E. In order to secure a Certificate of Occupancy, the applicant must submit a plan showing "as built" conditions of the completed project, or a certification that the plan submitted with the

application for a building permit depicts exact "as built" conditions of the completed project.

(Ord. No. 006-10, § 03-15-2010)

Sees. 10-3008--10-3010. RESERVED

ARTICLE B. PLUMBING CODE

Sec. 10-3011. RESERVED

Editor's note: Ord. No. 1129-96, § 2, and Ord. No. 1131-96, § 2, both adopted June 3, 1996, repealed former section 10-3011 in its entirety which pertained to the adoption of the Georgia State Plumbing Code and derived from Ord. No. 676-77, § 1, adopted Dec. 19, 1977; and Ord. No. 908-86, § 1, adopted July 7, 1986.

Sec. 10-3012. EXEMPTION OF CITY FROM APPLICATION OF STATE STATUTE

Pursuant to the authority contained in Section 3 of Act 1046 Georgia Laws, 1996, subsection (d) of Code Section 8-2-26 of the Official Code of Georgia Annotated, relating to self-inspection of water and sewer projects by master plumbers or utility contractors, shall not be applicable within the City of East Point.

(Ord. No. 1137-96, § 1, 9-3-96)

Editor's note: Ord. No. 1137-96, § 1, adopted Sept. 3, 1996, has been included herein as section 10-4012 at the discretion of the editor.

Sees. 10-3013-10-3020. RESERVED

ARTICLE C. ELECTRICAL CODE

Sec. 10-3021. RESERVED

Editor's note: Ord. No. 1129, § 3, and Ord. No. 1131-96, § 2, both adopted June 3, 1996, repealed former section 10-4021 in its entirety which pertained to the adoption of the National Electrical Code and derived from Ord. No. 711-80, § 1, 3-17-80; Ord. No. 866-84, § I, 4-2-84; Ord. No. 912-86, 7-7-86.

Sec. 10-3021.1. ELECTRICAL CODE; PROCEDURAL AMENDMENTS

(a) This Article C is adopted as amendments to the state minimum code- National Electrical Code as published by the National Fire Protection Association. In the event of any conflict between the foregoing and any provisions of the state minimum code- National Electrical Code as published by the National Fire Protection Association, as adopted and amended by the Department of Community Affairs, the foregoing provisions

of this Article C shall control.

(b) Notwithstanding anything herein to the contrary or in said electric code and its appendices and attachments, no permit fee shall be charged for the installation of smoke detectors installed as an integral part of the electric system of existing multi-family residential structures.

(c) *All work to conform.*

- 1) No equipment, appliance or system, as hereinafter specified in this code, shall be installed, constructed, erected, altered or repaired, except in conformity with the provisions of this code.
- 2) No equipment, appliance or system, as hereinafter specified in this code, shall be altered in any manner that would be in violation of the provisions of this code or any authorized rules or approvals of the Chief Building Official made and issued thereunder.
- 3) The provisions of this code shall not apply to the installation, alteration or repair of electrical services up to and including the meters where such work is performed by or is an integral part of the system owned or operated by a public service corporation or the water, or gas department of any city in this state, in rendering its duly authorized service as such.
- 4) The provisions of this code shall not apply to the installation, alteration or repair of plumbing, air conditioning and heating or electrical systems, where such work is an integral part of the system owned or operated in rendering its duly authorized service as such, by a railroad company, pipeline company, public utility in the exercise of its normal functions as a public utility.

(d) *Use and maintenance.*

- (1) It shall be unlawful to maintain, use, repair, or alter any equipment, appliance or system that has been or will be installed, constructed or erected after the adoption of this code that is in violation or will violate the provisions as hereinafter specified.
- (2) No equipment, appliance or system, as hereinafter specified in this code, shall be used unless it is in a safe condition.

(e) *Equipment, appliances or systems affected.* The provisions of this code shall apply to any equipment, appliance or system, installed, constructed, erected, altered, repaired, maintained or used in the City of East Point, Georgia except as may be otherwise specifically provided for by statute or ordinance.

(f) *Unsafe systems, appliances or equipment.*

- (1) Systems, appliances or equipment covered by this code that may be or shall be found upon inspection to have become dangerous or unsafe, shall, unless made safe and so certified by the Chief Building Official be removed or the use of same discontinued.
- (2) The term dangerous or unsafe systems, appliances or equipment shall include systems, appliances or equipment structurally unsafe, unstable or unsanitary; constituting a fire hazard; unsuitable or improper for the use to which they are put; constituting a hazard to health or safety because of inadequate maintenance, dilapidation or obsolescence; or otherwise dangerous to life or property.

(g) *Notice of unsafe systems, appliances or equipment.*

(1) Upon receipt of information that systems, appliances or pieces of equipment covered by this code are unsafe, the Chief Building Official shall make or cause to be made an inspection; and if it is found that an unsafe condition exists, he shall serve or cause to be served on the owner, or someone of the owner, executors, administrators, agents, lessees or other persons who may have a vested or contingent interest in the same, a written notice containing a description of the particulars in which the systems, appliances or equipment are unsafe, and an order requiring the same to be made safe, as may be deemed necessary by him.

- (2) If the person to whom such notice and order is addressed cannot be found, after diligent search, then such notice and order shall be sent by registered mail to the last known address of such person; and a copy sent of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate notice.

(h) *Disregard of notice.* If the person served with a notice or order fails to remove existing unsafe condition from systems, appliances or equipment or discontinue the use of same, within a reasonable time as set by the Chief Building Official shall institute appropriate legal action to compel compliance. In addition, the Chief Building Official is authorized to withhold issuance of any additional permits to any electrical contractor which has not complied with any notice or order to repair any defective work installed under the provisions of this code.

(Ord. No. 912-86, § 2, 7-7-86; Ord. No. 1129-96, § 4, 6-3-96; Ord. No. 1131-96, § 4, 6-3-96; Ord. No. 036-07, § 1, 10-15-07)

Sec. 10-3021.2. PERMIT FEES

Fees for electrical permits shall be developed by the Department of Planning and Zoning and adopted by the East Point City Council. Review of the fee schedule occurs on an annual basis. Additional fees may be applied due to the following conditions:

- (1) Work not ready when an inspection is requested
- (2) Work found to be non-compliant with all applicable codes, regulations and standards. (Ord.

No. 912-86, § 3, 7-7-86; Ord. No. 036-07, § 1, 10-15-07)

Note: See the editor's note to § 10-3021.1.

Cross references: Electrical code adopted, exception to permit fees, § 10-3021.

Sec.10-3021.3. REMEDY FOR VIOLATION

Whenever the Chief Building Official is satisfied that a system, appliance or equipment, or any work in connection therewith that is covered by this code, is being erected, installed, altered or repaired, in violation of the provisions of requirements of this code, or in violation of plans or specifications submitted and approved thereunder, or of a permit issued thereunder, he shall serve a written notice or order upon the person responsible therefore directing discontinuance of such illegal action and the remedying of the condition that is in violation of the provisions or requirements of this code.

(Ord. No. 912-86, § 4, 7-7-86; Ord. No. 036-07, § 1, 10-15-07) Note: See the editor's note to § 10-3021.1.

Sec. 10-3021.4. PERMIT PROVISIONS; SUBMISSION OF PLANS; NOTICE FOR INSPECTIONS; SERVICE CONNECTION; STOPPING WORK; PENALTIES

(a) *When permits required.* It shall be unlawful to construct, erect, install, alter or repair or to commence the construction, erection, installation or alteration of any equipment, appliances or system provided for in this code without first filing with the Chief Building Official an application in writing and obtaining a formal permit in conformity with this section. A permit shall be required for each temporary pole serving a construction site. Permits for any electrical work shall be obtained at least eight (8) hours before beginning work on new jobs or alterations. Emergency work shall be permitted within forty-eight (48) hours after beginning work.

(b) *Application form.*

(1) An application for a permit shall be submitted in such form as the Chief Building Official may prescribe.

(2) It shall be the responsibility of the property owner to see that a permit is obtained by the electrical contractor before any installation or work is started.

(3) Such application shall contain the full names and address of the applicant and of the owner.

(4) Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Chief Building Official.

(c) *Plans and specifications.* When required by the Chief 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 every application. Such drawings and specifications shall contain name and address of designer and information in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with this code. Such information shall be specific, and this code 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.

(d) *Action on application.*

(1) Applications for permits shall be examined within a reasonable time after filing. If, after examination, no objection is found to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the application shall be approved and a permit issued for the proposed work. If examination reveals otherwise, such application shall be rejected, and the applicant notified by a written report or otherwise.

(2) The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful.

(3) The issuance of a permit based on applications, plans or specifications shall not prevent the Chief Building Official from thereafter requiring the correction of errors in said applications, plans or specifications or from being carried on thereunder when in violation of this code or other ordinances of the City of East Point, Georgia.

(e) *Conditions of permit.*

(1) All work performed under a permit issued shall conform to the approved application and plans and all codes or ordinances governing the work or equipment for which permits were issued. All work shall be performed by an individual (contractor, firm or corporation) licensed to perform such work except when performed by an individual installing, altering or repairing electrical services in a single-family dwelling owned and occupied by him. Permits for such work in owner occupied single-family residence shall be issued only upon demonstration by the owner to the Chief Building Official that the owner is competent to perform electrical work.

(2) Individuals, contractors, firms or corporations licensed to perform work governed by this code shall register their license number with the Chief Building Official before obtaining permits.

(f) *Expiration of permit.* A permit under which no work is commenced within six (6) months after issuance, or where the work commenced is suspended or abandoned for six (6)

months, shall expire by limitation, and fees paid shall be forfeited. The application, plans, and specifications shall be reviewed and a new permit required before work is started or resumed.

(g) *Revocation of permit.* The Chief Building Official may revoke a permit or approval, issued under the provisions of this code, in case there have been any false statements or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

(h) *Notice to be given when inspections are ready.*

(1) *Rough in inspections.* Notice to the Chief Building Official to be given by the electrical contractor that work is ready for inspection.

- a. No electrical system to be installed before the building or structure is roughed in, except for the installation of conduits or other material necessary for the progress of construction.
- b. No electrical installation to be approved before the completion of the rough in of the mechanical system in one- and two-family dwellings, multi-family dwellings and other structures of all wood interior construction not exceeding three (3) floors above grade.
- c. No electrical installation to be covered until inspection is made and approved in writing by the Chief Building Official.

(2) *Final inspections.* Within twenty-four (24) hours after completion of an electrical contract (Saturdays, Sundays, or holidays excluded), the licensed electrician shall request a final inspection of the electrical work. If the job is approved, written approval shall be issued to the licensed electrician indicating that the work has been done in accordance with all rules of the inspection department.

(i) *Electrical service connection.* No electrical service connection shall be made to any electrical system by any person or public utility, until approval is made by the Chief Building Official. In the event the Chief Building Official condemns any electrical system or any part thereof, he shall notify the power company supplying such system. Upon such notice, said power company shall disconnect all electrical service from said electrical system and service shall not be resumed until approval is made by the Chief Building Official.

(j) *Stopping work.* Whenever, in the opinion of the Chief Building Official by reason of defective or illegal work in violation of a provision or requirement of this code exists, the Chief Building Official shall order, in writing, all further work to be stopped and may require suspension of all work until the condition in violation has been corrected.

(k) *Penalties.*

(1) A person who shall violate a provision of this code or fails to comply therewith or with any of the requirements thereof, upon conviction thereof in the City of East Point Municipal Court shall be fined not more than five hundred dollars (\$500.00) and/or sentenced to work upon the public works not more than thirty (30) days. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

(2) The owner of a building, structure, or premises where any violation of this code shall be placed or shall exist, or an architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith, and who assisted in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. (Ord. No. 912-86, § 5, 7-7-86; Ord. No. 036-07, § 1, 10-15-07)

Note: See the editor's note to § 10-402.1.

ARTICLE D. ELEVATOR LAWS*

*Editor's note: In order to facilitate inclusion of Ord. No. 910-86, adopted July 7, 1986, within the lettered sequence of articles in the chapter, said provisions have been incorporated within Art. D, and former Art. D has been redesignated as Art. E hereof.

Sec.10-3022. ELEVATOR LAW ADOPTED

The 1986 Edition of the Georgia Elevator Laws is hereby adopted by reference in its entirety as the elevator laws of the City of East Point.

(Ord. No. 910-86, § 1, 7-7-86)

Sees.10-3023-10-3030. Reserved

ARTICLE E. HEATING, VENTILATING AND AIR CONDITIONING CODE

Sec.10-3031. RESERVED

Editor's note: Ord. No. 1129-96, § 5, and Ord. No. 1131-96, § 5, both adopted June 3, 1996, repealed former section 10-4031 in its entirety which pertained to the adoption of the Georgia State Heating and Air Conditioning Code and derived from Ord. No. 712-80, § 1, 317-80; Ord. No. 909-86, § 1, 7-7-86.

ARTICLE F. DISABILITIES ACCESSIBILITY CODE*

*Editor's note: Ord. No. 905-86, § 1, adopted July 7, 1986, amended the Code by the addition of § 10-3032 and Ord. No. 907-86, § 1, enacted July 7, added § 10-3033. In order to facilitate classification of these separate sections, § 10-3032 has been incorporated within Art. F., and §

10-3033 has been incorporated within Art. G. Subject to the incorporation, former Art. D-1 has been redesignated as Art. H, and former Art. E has been redesignated as Art. I. The disabilities accessibility code, as amended, is on file and available for inspection in the offices of the city.

Sec.10-3032. DISABILITIES ACCESSIBILITY CODE ADOPTED

The Georgia Disabilities Accessibility Code (Title 30, Chapter 3), 1984 Senate Bill 297 as amended by H.B. 506, 1985, is hereby adopted by reference in its entirety as the disabilities accessibility code of the City of East Point, Georgia.
(Ord. No. 905-86, § 1, 7-7-86)

ARTICLE G. ENERGY CODE

Sec. 10-3033. Reserved

Editor's note: Ord. No. 1129-96, § 6, and Ord. No. 1131-96, § 6, both adopted June 3, 1996, repealed former section 10-3033 in its entirety which pertained to the adoption of the Georgia State Energy Code and derived from Ord. No. 907-86, § 1, adopted July 7, 1986.

Sees.10-3034, 10-3035. RESERVED ARTICLE H. GAS CODE

Sec.10-3036. RESERVED

Editor's note: Ord. No. 1129-96, § 7, and Ord. No. 1131-96, § 7, both adopted June 3, 1996, repealed former section 10-4036 in its entirety which pertained to the adoption of the Georgia State Gas Code and derived from Ord. No. 713-80, § 1, adopted March 17, 1980; and Ord. No. 908-86, § 1, adopted June 7, 1986.

Sees. 10-3037--10-3040. Reserved

ARTICLE I. RESERVED*

*Editor's note: Ord. No. 027-00, § 1, adopted Oct. 2, 2000, repealed former Art. I, §§ 10-3041--10-3049, in its entirety which pertained to the adoption of the Georgia Housing Code and the minimum housing advisory board. Former Art. I derived from the Code of 1959; Ord. No. 1019-91, § 1, 4-15-91; Ord. No. 1125-96, § 1, 4-1-96; Ord. No. 001-00, § 1, 1-18-00.

Sees.10-3041-10-3060. RESERVED

ARTICLE J. MOVING HOUSES AND OTHER OVERSIZE LOADS*

*Editor's note: Ord. No. 943A-87, adopted Nov. 2, 1987, deleted former Art. J, §§ 10-

3061--10-3067, relative to moving buildings, and enacted in lieu thereof a new Art. J to read as herein set out in §§ 10-3061--10-3071. The provisions of former Article J derived from Ord. No. 902, §§ 1, 3, adopted May 19, 1986.

Sec. 10-3061. PURPOSE

The purpose of this article is to establish uniform permitting regulations and procedures for the moving of houses and other oversize loads on city roads, streets, and bridges within the incorporated area of the city, thereby protecting private property and lives against loss and damage, protecting the public investment in rights-of-way, roadbeds, traffic signs, and signalizations, and other structures, controlling and regulating the flow of traffic, insuring the safety of the public, and for other purposes.
(Ord. No. 943A-87, 11-2-87)

Sec. 10-3062. PERMIT REQUIREMENTS; ADMINISTRATIVE FEE

- (a) All persons, firms, or corporations desiring to obtain a permit under the provisions of this article shall make application on the form prescribed by the City of East Point Chief Building Official, or designee.
- (b) The application shall include, but shall not be limited to:
 - (1) Name, address, and telephone number of the mover/applicant;
 - (2) Name, address, and telephone number of the owner of the structure;
 - (3) Address of the present location of the structure;
 - (4) Destination of the structure;
 - (5) Name and address of insurance company;
 - (6) Total height, outside width, and length of vehicle and load;
 - (7) Certification that the person making application on behalf of the mover has lawful authority to execute such application and that all requirements under this section, sections 10-3063 and 10-3064 have been met;
 - (8) The proposed date and time of the move;
 - (9) A statement that the mover/applicant agrees to hold the city harmless from all claims or causes of action arising out of any damage to a public road or bridge, to persons, to public or private property caused by a permitted load or vehicle, or its private escort vehicle, and to recompense the city for any expenditures made by

the city to repair such damages caused by the permitted vehicle or load.

- (c) As a condition to the issuance of a permit, the traffic division of the East Point Police Department or designee, when deemed necessary in the interest of public safety, may require the use of a front or rear escort, or both, either or both of which may be a police vehicle.
- (d) Fees for moving a structure shall be developed by the Department of Planning and Zoning and adopted by the East Point City Council. Review of the fee schedule occurs on an annual basis. Fees must be accompanied by a permit application.
(Ord. No. 943A-87, 11-2-87; Ord. No. 036-07, § 1, 10-15-07)

Sec. 10-3063. PERMIT LIMITS

- (a) Except as authorized under section 10-3069 of this article, a permit shall not authorize the operation of a vehicle or load:
 - (1) Whose total load length exceeds seventy-five (75) feet;
 - (2) Whose total load width exceeds fourteen (14) feet, including mirrors and accessories attached thereto; or
 - (3) Whose total height exceeds thirteen (13) feet, six (6) inches.
- (b) Notwithstanding any provision of this article to the contrary, no vehicle or load shall be operated over any bridge with a posted limit which is less than the total gross weight of the vehicle and its load or less than the total gross weight permitted under this article.
(Ord. No. 943A-87, 11-2-87)

Sec. 10-3064. CONDITIONS ATTACHED TO PERMIT ISSUANCE

In addition to compliance with other conditions imposed under the provisions of this article, any person, firm, or corporation receiving a permit thereby certifies that such person, firm, or corporation will comply or has complied (as applicable herein) with the following conditions governing the operation of the permitted vehicle or load:

- a) Federal and state laws and regulations;
- b) That the movement of the permitted vehicle or load will take place only on Monday through Thursday, and between the hours of 9:00 a.m. and 3:00p.m.;
- c) That the permitted load or vehicle will not be operated over any city road other than those described or allowed in the permit;
- d) That the operator of a permitted vehicle and load shall maintain fifty-foot intervals

between each vehicle load. In addition, when the normal flow of traffic becomes impeded, such vehicle or load shall move off the traveled portion of the public road until such traffic congestion has been cleared. Normal movement may then be resumed until another traffic congestion occurs;

- e) The permittee shall maintain, during the existence of the permit, public liability and property damage insurance in at least the following amounts: Public liability, three hundred thousand dollars (\$300,000.00) each accident; one hundred thousand dollars (\$100,000.00) each person injured; total property damage, fifty thousand dollars (\$50,000.00); provided that nothing herein shall prevent the Chief Building Official or designee from requiring any additional undertaking or security as may be deemed necessary to compensate the city for any injury to any public property therein, including a bridge. Proof of such liability insurance and other security shall accompany the permit application;
- f) Upon approval of the permit and prior to moving any structure under the authority of such permit, the permittee shall furnish a performance bond in the amount of three hundred thousand dollars (\$300,000.00) in a form acceptable to the city clerk of the City of East Point or designee with a surety company licensed to do business in the state, to enable the city to repair public and/or private property in the event the permittee's insurance company fails to pay for necessary repairs;
- g) The permittee shall ensure that the operator of a leased vehicle carries on such operator's person written proof of the identity of the lessee;
- h) The permittee shall not allow the permit to be used other than for the movement by the particular vehicle for which the permit was issued;
- i) The following minimum equipment shall be used for moving a house: A tandem truck, one set of tandem dollies in good condition, and one extra skidder or wrecker in good condition and capable of moving the whole load in case of a breakdown;
- j) The permittee shall measure the house and, prior to applying for a permit, check the route stated in the permit application to ensure obstacle clearance and necessary places periodically to pull off the road for the purpose of preventing unnecessary traffic congestion;
- k) Before moving a house, all masonry shall be removed from a masonry-veneered house;
- l) All mailboxes, highway signs, and other movable obstacles to the move of the house shall be removed as the house approaches such an obstacle and re-erected immediately after the house passes such obstacle in equal or better condition than prior to removal; and
- m) The movement shall be confined to the route stated in the application.

- n) The police department shall make all reports of damage to public or private property. The party making application for a building-house moving permit shall have two (2) weeks to settle damages incurred while moving or enter into negotiating with affected owners of damaged property. Failure to pay such expense shall be just cause to deny future permits.

(Ord. No. 943A-87, 11-2-87; Ord. No. 036-07, § 1, 10-15-07)

Sec.10-3065. ROUTE APPROVAL

Prior to the issuance of a moving permit under this article, the transport route proposed by the mover/applicant must be reviewed and approved by the chief of police and traffic division of the police department or designee.

(Ord. No. 943A-87, 11-2-87)

Sec. 10-3066. REVOCATION, SUSPENSION, DENIAL OF APPLICATION OR PERMIT

- (a) The traffic division of the East Point Police Department or designee shall be authorized to deny, suspend, or revoke a permit requested by an applicant or issued to a permittee. Permits may be denied, suspended, or revoked for cause including, but not limited to, the following:

- (1) Failure to comply with the provisions of this article;
- (2) Repeated past violations by the applicants or permittee of a relatively minor nature;
- (3) A single but aggravated violation;
- (4) A material misrepresentation made by the applicant for a permit; or
- (5) Any other facts indicating that the applicant or permittee is a poor risk with regard to the safety of the traveling public and/or damage to public property.

- (b) The traffic division of the East Point Police Department or designee shall provide the applicant or permittee written notice of the decision to deny, revoke, or suspend the application or permit, which notice shall set forth in reasonable detail the reasons for such action and shall include notice of the right to appeal under the provisions of this article.

(Ord. No. 943A-87, 11-2-87)

Sec. 10-3067. APPEALS

An applicant or permittee shall be entitled to appeal a decision of the traffic division of the East Point Police Department or designee denying, suspending, or revoking a permit, to the Department of Planning and Zoning, by filing a notice of appeal with the Department of Planning and Zoning within ten (10) days of the decision appealed from. The Department of Planning and Zoning shall schedule a hearing on the next applicable

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Planning and Zoning Commission calendar date and shall provide the appellant notice of the date of such hearing.
(Ord. No. 943A-87, 11-2-87)

Sec. 10-3068. APPLICABILITY OF OTHER CITY ORDINANCES AND REGULATIONS

Neither the provisions of this article nor any permit issued pursuant thereto shall be construed to supercede or repeal any city ordinance or regulation in effect pertaining to the moving of houses and other oversize loads, and to the extent such ordinance or regulation is more stringent than the provisions of this article, then such ordinance or regulation shall control.
(Ord. No. 943A-87, 11-2-87; Ord. No. 036-07, § 1, 10-15-07)

Sec. 10-3069. VARIANCES

The Planning and Zoning Commission shall be authorized to grant a variance from the requirements of this article, but only where, by reason of the exceptional historical, architectural, or social uniqueness or significance of the structure, the strict application of the provisions of this article would work an undue hardship upon the owner of the structure, and provided that the grant of any variance shall not substantially impair the intent and purpose of this article and further provided that the provisions of this article shall be complied with to the maximum extent possible.
(Ord. No. 943A-87, 11-2-87; Ord. No. 036-07, § 1, 10-15-07)

ARTICLE K. AMUSEMENT DEVICE CODE

Sec. 10-3070. STANDARD AMUSEMENT DEVICE CODE

The 1991 Georgia Standard Amusement Device Code, as amended, is hereby adopted by reference in its entirety as the Standard Amusement Device Code of the City of East Point.
(Ord. No. 001-00, § 1, 1-18-00)

ARTICLE L. EXCAVATION AND GRADING CODE

Sec. 10-3071. EXCAVATION AND GRADING CODE

The 1991 Georgia Excavation and Grading Code, as amended, is hereby adopted by reference in its entirety as the Excavation and Grading Code of the City of East Point.
(Ord. No. 001-00, § 1, 1-18-00)

ARTICLE M. EXISTING BUILDINGS CODE

Sec. 10-3072. STANDARD EXISTING BUILDINGS CODE

The 1991 Georgia Existing Buildings Code, as amended, is hereby adopted by reference in its

entirety as the Standard Existing Buildings Code of the City of East Point.
(Ord. No. 001-00, § 1, 1-18-00)

ARTICLE N. SWIMMING POOL CODE

Sec.10-3073. STANDARD SWIMMING POOL CODE

The 1991 Georgia Standard Swimming Pool Code, as amended, is hereby adopted by reference in its entirety as the Standard Swimming Pool Code of the City of East Point.
(Ord. No. 001-00, § 1, 1-18-00)

ARTICLE O. UNSAFE BUILDING ABATEMENT CODE

Sec.10-3074. STANDARD UNSAFE BUILDING ABATEMENT CODE

The 1991 Georgia Standard Unsafe Building Abatement Code, as amended, is hereby adopted by reference in its entirety as the Standard Unsafe Building Abatement Code of the City of East Point.
(Ord. No. 001-00, § 1, 1-18-00)

ARTICLE P. MULTIFAMILY RENTAL HOUSING

Sec.10-3075. DEFINITIONS

The following terms shall have the meaning respectively ascribed to them as follows:

Certified Building Inspector shall mean any person inspecting for compliance with the various adopted codes who is a licensed design professional (architect or engineer) or holds one of the following certifications from SBCCI (ICC): Property Maintenance and Housing Inspector, Housing Rehabilitation Inspector, Building Inspector, Building Plan Examiner or Commercial Combination Inspector.

Code of Compliance Certificate shall mean a certificate executed by a Certified Building Inspector and stating compliance with those minimum standards described in an Inspection Report approved by the Director of Planning and Community Development.

Inspection Report shall mean the report attached to the Code Compliance Certificate describing minimum requirements for inspection of each unit.

Lease shall mean any written or oral agreement which sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.

Multifamily Rental Dwelling shall mean any multifamily structure, multi-family 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 apartment units, boarding houses, rooming houses, group homes, and flats.

Multifamily Rental Unit shall mean 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 joint and severable liability.

Occupancy shall mean all tenants, lessees and persons residing within a multifamily rental dwelling or multifamily rental unit.

Owner shall mean any person, agent, firm, or corporation having legal or equitable interest in a premise.

Owner-Occupied shall mean any part of a structure used as living quarters by the owner of said structure where other parts of the structure are used as multifamily rental units. Example: Two-family dwelling, owner occupies one flat; rooming house, owner occupies one unit.

Premises shall mean any lot or piece of land inclusive of the multifamily rental dwelling or multifamily rental unit.

Sec. 10-3076.FEE AND CERTIFICATE REQUIRED

All owners of multifamily rental dwellings or multifamily rental unit(s) within the City that receive income for use of four (4) or more such dwellings or units and meet the requirements of O.C.G.A. Section 48-13-5 for having a location or office within the City (a) shall be subject to an occupation tax and (b) shall provide to the City, prior to December 31, 2018, a Code Compliance Certificate covering one hundred percent (100%) of the Multi-Family Rental Units within twelve (12) month period immediately preceding the date of the certification. Said Code Compliance Certificate shall be certified by the Owner that all units inspected are in compliance with those standards contained in the Code Compliance Certificate and Inspection Report. For the initial year of construction, this Section shall not apply to new construction or rehabilitation of a multifamily rental dwelling provided proper permits are obtained from the City.

Upon initial inspection of such dwellings or units, should a Certified Building Inspector determine that further work is necessary to comply with the minimum standards set forth herein, an acceptable plan shall be submitted to the Chief Building Official outlining the time and scope of work necessary to bring the units into compliance. If such plan is accepted by the Chief Building Official as reasonable and justified, an extension may be granted for up to one year for completion of repairs and compliance with this ordinance. No extension shall be granted if life safety issues are involved and any such units shall not be leased until brought into compliance.

After submission of the initial Code Compliance Certificate, each owner shall submit a Code Compliance Certificate annually, commencing on January 1, 2020 with their business license renewal. Such subsequent Code Compliance Certificate shall cover at least twenty percent (20%) of the units, provided all units shall be inspected, at a minimum, every five years. All units inspected shall be listed individually and submitted to the City by the Certified Building Inspector.

Furthermore, each owner and Certified Building Inspector shall keep written record of all inspections for each unit including the date of the inspection, items inspected and all violations, if any, observed. Such records shall be presented to the City within ten business days after such request is made in writing to the inspector. Failure to provide such records shall nullify the Code Compliance Certificate for those units.

Sec.10-3077. FAILURE TO PROVIDE CODE COMPLIANCE CERTIFICATE

Failure to provide the Code Compliance Certificate as provided herein shall be a violation of this ordinance and is subject to those penalties contained herein and in Chapter II, Article F Violation and Penalty of the East Point Code of Ordinances. Further, said failure, upon a judicial determination, shall be a condition constituting probable cause, and may subject said multifamily rental dwelling or multifamily rental unit(s) to inspection by the City, if required, shall be at a sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises as provided for collection of taxes. Failure to pay the occupational tax as provided herein shall be a violation of this ordinance and is subject to those penalties set forth in this Article. Nothing contained in this section shall prevent the City from enforcement of the State Minimum Standards Codes as provided in Chapter 3 of this Code of Ordinances of the City of East Point, Georgia.

Sec.10-3078. PENALTY FOR FALSE CERTIFICATION AND FALSE INSPECTION

An owner, who knowingly participates in furnishing a Code Compliance Certificate to the City which contains a false certification that all multifamily rental dwellings or multifamily rental units inspected are in compliance with those standards contained in the Code Compliance Certificate shall be guilty of a misdemeanor for each multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false and can be fined up to \$1,000, or imprisoned for up to one year, or any combination of these, by the Court for each violation.

A Certified Building Inspector who furnishes an Inspection Report which knowingly contains

fraudulent information that a multifamily rental dwelling or multifamily rental unit meets the minimum housing standards of the City as shown by the Inspection Report contained in Exhibit "A" of this Ordinance shall be guilty of a misdemeanor and can be fined up to \$1,000, or imprisoned for up to one year, or any combination of these, by the Court for each violation. In addition, the Building Inspectors right to submit Inspection Reports to the City may be suspended for a stated period of time, up to 5 years, by resolution of the City Council.

Sec.10-3079. REPEAL OF CONFLICTING PROVISIONS

It is the intention of the Mayor and Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the, City of East Point Code of Ordinances, and the sections of this Ordinance may be renumbered to accomplish such intention. All Ordinances or parts of Ordinances in conflict herewith are repealed.