

Chapter 7 - BUILDINGS AND BUILDING REGULATIONS [11](#)

ARTICLE I. - IN GENERAL

Sec. 7-1. - Reserved.

Sec. 7-2. - Definitions.

For the purposes of this chapter, certain terms and words are hereby defined. Where words are not herein defined, but are defined in section 1-2 and in the codes adopted pursuant to section 7-51, those words shall have the meaning as defined therein. As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

Adopted state codes shall mean all codes and standards adopted pursuant to Division 3 of Article II of Chapter 7 of this Code.

Board shall mean the technical board of appeals.

Building official shall mean the director of the development department or designee.

Director shall mean the director of the development department or designee.

Emergency shall mean any situation resulting in imminent danger to the public health or safety or the loss of an essential governmental service.

End user shall mean the ultimate consumer of a product, especially the one for whom a product has been designed.

Governing authority of the City of Tucker shall mean the city's mayor and city council.

Independent shall mean not affiliated in any way with the applicant for the variance or any county official or employee.

Justifiable cause shall mean a reason given by the applicant or permit holder that in the opinion of the director is valid and sufficient. Justifiable cause does not include delay that is created by the applicant or permit holder or delay that reasonably could have been avoided by the applicant or permit holder.

Ordinary repairs shall mean nonstructural repairs to a building or structure or repairs to a mechanical system, gas system, plumbing system, electrical system, and energy conservation system for which the codes specify no minimum requirements or standards or do not address the repair. Ordinary repairs do not include additions, alterations, relocations, or replacements to buildings or structures, water supplies, sewers, drains, drain leaders, gas, soil waste, vent or other similar piping, electrical systems or wiring, mechanical systems or other work for which a permit is required by the code or the building official.

Pre-qualified alternate registered engineer shall mean a registered design professional recommended by the technical board of appeals and approved by the mayor and city council for compliance with O.C.G.A. § 8-2-26 et seq., as amended.

Protective shall mean a method or material that provides the same or greater protection of health, safety, life or property as provided by the construction requirements set forth in this Code.

Registered design professional shall mean architects, civil, structural, mechanical, electrical, and plumbing engineers and others whose services require licensing by the state.

Technical codes shall mean collectively the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, National Electrical Code, International Energy Conservation Code as adopted, amended, and mandated by the State of Georgia along with amendments and local supplemental codes as adopted by the City of Tucker.

Secs. 7-3—7-15. - Reserved.

ARTICLE II. - TECHNICAL CODES^[2]

DIVISION 1. - GENERALLY

Sec. 7-16. - Technical board of appeals.

- (a) *Appointment.* There is hereby established a technical board of appeals, which shall consist of five (5) members. The mayor shall appoint all members. The director of the development department shall serve as a non-voting ex-officio member of the technical board of appeals.
- (b) *Qualifications of members.* All members of the board shall be residents and homeowners in the City of Tucker. All members of the board shall have at least seven (7) years experience in the building industry. One (1) of the members of the board shall be a civil engineer having experience in drainage and structural issues and one (1) member shall be an architect licensed in Georgia with a minimum of seven (7) years experience in residential-home-design. Members of the board shall hold no other city office, appointed position within the city or any other city compensated position.
- (c) *Filling board vacancies generally.* Any vacancy on the board shall be filled in accordance with the original appointing procedure for the vacant position. Any newly appointed member shall serve for the remainder of the unexpired term.
- (d) *Reserved.*
- (e) *Terms of board members.* Terms of each board member shall be set by resolution.
- (f) *Reserved.*
- (g) *Organization, officers and rules.* The board shall elect a chair, vice-chair and secretary. The persons so elected shall serve in these capacities for a term of one (1) year. No person may serve in any of these capacities for more than three (3) consecutive years. The vice-chair will preside at the meetings of the board in the chair's absence. The board shall determine its procedural rules and regulations, and otherwise take such action as is appropriate for the management of the affairs committed to its supervision. The board's rules and regulations shall be consistent with this chapter and necessary to carry out the provisions of this chapter.
- (h) *Quorum.* Three (3) members of the board shall constitute a quorum at any meeting and a vote of three (3) voting members shall be required to enable the board to act.
- (i) *Meeting accommodations and staff support.* The governing authority of the city shall provide the board with suitable office space, meeting accommodations and clerical support, as the governing authority shall deem appropriate and necessary.
- (j) *Compensation for board members.* The governing authority of The City of Tucker shall determine compensation for members of the board.
- (k) *Removal at will.* The mayor and city council shall have authority to remove the member of the technical board of appeals appointed by such official, at will, without cause.
- (l) *Removal for cause.* Any member of the board may be removed from the board at anytime for cause by the governing authority of the City of Tucker, after written notice and an opportunity to be heard within fourteen (14) days after notice. A majority vote of the full membership of the mayor and city council shall be necessary in order to remove a member from the board for cause. Cause shall include but is not limited to misconduct, incompetence, failure to attend three (3) consecutive meetings of the board, failure to attend seventy-five (75) percent or more of the board's meetings within any calendar year, conviction of any felony, or conviction of a misdemeanor related to violence or moral turpitude. In the event of resignation or removal of a member, the newly appointed member shall serve the remainder of the unexpired term.
- (m) *Powers and duties.* The board shall have the following powers:
 - (1) To hear appeals of decisions and interpretations of the director;
 - (2) To hear appeals of the director's decision related to the use of alternative materials, designs, methods of construction, equipment and appliances pursuant to section 7-31(m);

- (3) To hear appeals of the director's decision related to unsafe conditions as regulated in section 7-40;
 - (4) To hear and grant variances from the provisions of Division 3 of this chapter;
 - (5) To hear and grant applications for pre-qualification of alternate registered engineers as referenced in section 7-34(i) as well as remove pre-qualification status from alternate registered engineers as the board deems appropriate in its sole discretion; and
 - (6) To review proposed amendments to the land development and technical codes and provide recommendations on such amendments to the governing authority.
- (n) *Application forms; filing of applications; application fees.* Applications for appeals, variances, and alternate registered engineers shall be filed on forms provided by the development department and shall not be considered authorized or accepted unless complete in all respects, including the payment of any application fees. Application fees shall be established by the mayor and city council.
- (o) *Appeals of the director's decisions.*
- (1) Notice of appeal of a decision by the director to the board shall be in writing and filed with the director within thirty (30) calendar days after the director's decision is rendered. Appeals shall be on a form provided by the development director.
 - (2) An appeal shall be sustained only upon an express written finding by the board that the director's action was based on an erroneous finding of a material fact, or that the director acted in an arbitrary manner. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the director from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all applicable laws are met. The board may also remand any appeal for the receipt of additional information.
 - (3) In the case of a building, structure or service system which, in the opinion of the director, constitutes an unsafe condition as that term is used in section 7-40, the director may, in the decision or order, limit the time for the filing of such appeals to not less than two (2) days and the director may request expedited review by the board of the appeal.
 - (4) If the director's decision(s) results in a revocation or denial of the issuance of any permit or certificate authorized by this chapter, the affected applicant or permittee may request, and shall be allowed, to meet with the director within two (2) business days after the initial issuance of such order or decision. At such meeting the affected applicant or permittee shall be allowed to present any evidence or testimony to the director that the applicant deems appropriate. If such a meeting is not requested or the director does not alter the decision to revoke or deny the issuance of any permit or certificate, then the director's decision becomes final. During the pendency of any subsequent appeal to the board, the notice of appeal shall not stay enforcement of the director's decision and the applicant or permittee may not take any action, perform any act or occupy any structure that contradicts the director's revocation or denial decision in this regard.
- (p) *Variances.*
- (1) The owner of a building, structure or service system, or duly authorized representative, may file a request to the board to vary any provision of the technical codes in accordance with the provisions of this section on forms promulgated by the director.
 - (2) In granting a variance, the board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a variance shall be deemed a violation of this Code.
 - (3) No variance may be granted unless such variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter. No variance shall be granted by the board to:
 - (A) Allow any variance which conflicts with or changes any requirement established as a condition by the mayor and city council or the zoning board of appeals;
 - (B) Reduce, waive or modify in any manner any minimum standards set forth in the adopted

codes generally identified in section 7-51, as amended; and

- (C) Reduce, waive or modify any environmental protection measures such as tree protection and/or soil erosion and sedimentation control.
- (4) The board shall grant variances from the provisions or requirements of this chapter only upon making written findings of the following:
- (A) The strict application of the requirements of this chapter would deprive the building, structure or service system owner of rights and privileges enjoyed by other building, structure or service system owners within the county;
 - (B) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other building, structure or service system property owners within the county;
 - (C) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or any improvements;
 - (D) The liberal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship;
 - (E) The method or material requested is at least as protective as the method or materials required by this chapter; and
 - (F) The applicant has supplied the city with an independent study or analysis by a registered design professional that shows that the method or material meets or exceeds the methods or materials required by this Code.
- (q) *Procedures of the board.*
- (1) *Hearings open to public.* All hearings of the board shall be open to the public and the agenda shall be made available at least two (2) business days prior to the meeting of the board. Matters not placed on the agenda in compliance with this section shall not be heard by the board, except for appeals involving a structure or service system that, in the opinion of the director, is unsafe, unsanitary or uninhabitable. The board shall meet every thirty (30) days.
 - (2) *Decisions.* The board shall, in every case of an appeal of a decision or interpretation of the director or a variance request, reach a final decision within thirty (30) calendar days from the date of the final hearing. Each decision of the board shall be in writing and shall include the basis for the decision. Every decision shall be promptly file-stamped in the office of the development department and shall be available for public inspection. A copy of the decision shall be delivered by mail at the address in the notice of appeal or application for variance to the person who filed the appeal or request for a variance.
- (r) *Appeals from decisions of the technical board of appeals.*
- (1) *Method of appeal.* Any person aggrieved by a final decision of the board may seek review of such decision by petitioning the Superior Court of DeKalb County for a writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within thirty (30) calendar days after the final decision of the board is rendered.
 - (2) *Notice to board.* In any such petition, the board shall be designated the respondent in certiorari and DeKalb County, along with any other party required by law to be named, shall be named as the defendant(s) in certiorari. The secretary of the board shall be authorized to acknowledge service of a copy of the petition and writ for the board as respondent. Service upon the county as defendant shall be as otherwise provided by Georgia law. Within the time prescribed by Georgia law, the board shall cause to be filed with the clerk of DeKalb County Superior Court a duly certified record of the proceedings had before the board, including a transcript of the evidence heard before it, if any, and the decision of the board.

Sec. 7-17. - Fire prevention system created.

There is hereby created and established within the boundaries of the city fire prevention system. The boundaries of this system are hereby set up, defined and established as shown on the map of the city fire prevention system, prepared by the community development department, a copy of which map is by reference made a part hereof. This map is hereby adopted as the official map of the city fire prevention system and the territory covered thereby. A copy of this map, together with any subsequent amendments thereto, shall be transmitted to the tax commissioner of the city for the collection of any and all taxes that may hereafter be levied for the establishment, maintenance and operation of the fire prevention system.

Editor's note— A copy of the map of the city fire prevention system is on file in the offices of the city.

Sec. 7-18. - Georgia fire safety rules.

- (a) Pursuant to Georgia Laws 1949, page 1057 as amended, the Georgia minimum fire safety standards adopted in the state safety fire commissioners rules and regulations for the prevention of loss of life and property from fire, panic from fear of fire, explosions or related hazards in buildings, structures, occupancies and facilities as specified in the 1949 Georgia Safety Fire Act, amended effective November 1, 1987, including all subsequent revisions thereof, are hereby adopted as and for this city as if fully set forth herein.
- (b) The department of community development shall administer and enforce those provisions of these rules as relate to plan review and inspection of proposed buildings and structures and issuance of permanent and temporary certificates.

Secs. 7-19—7-25. - Reserved.

DIVISION 2. - CODES ADMINISTRATION [31](#)

Sec. 7-26. - General.

The provisions of this chapter shall apply to the construction, erection, installation, alteration, demolition, repair, relocation, replacement, addition to, use or maintenance of buildings or structures, plumbing, mechanical, gas, and electrical systems within the city.

Sec. 7-27. - Applicability.

- (a) *General.* The provisions of this chapter shall apply to all matters affecting or related to buildings, structures, equipment or systems as set forth in section 7-26. Where, in any specific case, different sections of this chapter specify different materials, methods of construction or other requirements, the most restrictive requirement shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.
- (b) *Existing installations.* Buildings, structures, plumbing, mechanical and electrical systems lawfully in existence at the time of the adoption of this ordinance shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such building, structure or system.
- (c) *Work to conform to codes.* No building, structure, system, appliance or equipment, as hereinafter specified in this division, shall be constructed, erected, installed, altered or repaired, except in conformance with the provisions of this division and this Code.
- (d) *Public utility services.* The provisions of this division shall not apply to the installation, alteration or repair of services up to and including the meters where such work is performed by or is an integral part of a system owned or operated by a public utility service corporation, water department, gas company, railroad company, pipeline company, or other public utility in the exercise of its normal functions or in rendering its duly authorized service as such.

- (e) *Other laws.* The provisions of this division shall not be deemed to nullify any provisions of local, state or federal law.
- (f) *Referenced codes and standards.* The adopted state codes adopted pursuant to Division 3 of Article II of this chapter shall be considered part of the requirements of this division to the prescribed extent of each such adoption. Where differences occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter shall govern.
- (g) *Additions, alterations or repairs.* Additions, alterations, or repairs to any building, structure or system shall conform to that required for a new building, structure or system without requiring the existing building, structure or system to comply with all requirements of this chapter. Additions, alterations or repairs shall not cause an existing building, structure or system to become unsafe, unsanitary or overloaded.
- (h) *Ordinary repairs.* Ordinary repairs shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacements are not hazardous to the public health, safety or welfare.
- (i) *Requirements not covered by Code.* Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure or system, or for the public safety, health and general welfare, not specifically covered by this Code shall be determined by the director.

Sec. 7-28. - Enforcement.

- (a) *Enforcement.* The development department is responsible for administration and enforcement of this chapter.
- (b) *Deputies and authorized representatives.* In accordance with prescribed procedures of the City of Tucker, the building official shall have the authority to appoint a deputy building official, authorized representatives, technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as authorized by law and delegated by the building official.

Sec. 7-29. - Duties and powers of the building official.

- (a) *General.* The building official is hereby authorized and directed to enforce the provisions of this chapter and the adopted state codes. The building official shall have the authority to render interpretations of this Code and the adopted state codes and to adopt policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the force and effect of law and shall not have the effect of waiving requirements specifically provided for in this Code or in the adopted state codes.
- (b) *Applications and permits.* The building official shall receive applications, review construction documents and plans, issue permits for the erection, construction, alteration and demolition of buildings and structures and installation of mechanical, plumbing, gas and electrical systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this chapter and other applicable provisions of this Code.
- (c) *Notices and orders.* The building official shall issue all necessary notices or orders to ensure compliance with this chapter.
- (d) *Inspections.* The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved qualified agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.
- (e) *Identification.* The building official, deputy or authorized representative shall carry proper identification when inspecting buildings, structures or premises in the performance of duties under this chapter.

- (f) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the building official has reasonable cause to believe that there exists in a building or structure or upon a premises a condition which is contrary to or in violation of this chapter which makes the building, structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the building, structure or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building, structure or premises be occupied that credentials be presented to the occupant and entry requested. If such building, structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building, structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
- (g) *Department records.* The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained for the period required by state law for retention of public records.
- (h) *Approved materials, equipment, appliances and devices.* Materials, equipment, appliances and devices approved by the building official shall be constructed and installed in accordance with such approval.
- (i) *Areas prone to flooding.* The building official shall not grant modifications to any provisions related to areas prone to flooding as established by the flood insurance rate map, as may hereinafter be amended, without the granting of a variance to such provisions by the board.
- (j) *Alternative materials, designs, methods of construction, equipment and appliances.* The provisions of this chapter are not intended to prevent the installation of any materials or to prohibit any designs, methods of construction, equipment or appliances not specifically prescribed by this chapter, provided that any such alternatives have been approved by the building official in writing. Alternative materials, designs, methods of construction, equipment or appliances shall be approved in writing where the building official finds that the proposed design is satisfactory and complies with the intent and purpose of the provisions of this chapter, and the material, methods of work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.
- (k) *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the city. Such tests shall be paid for by the person seeking to rely on such alternative materials or methods.
- (l) *Test methods.* Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures.
- (m) *Testing agency.* All tests shall be performed by an agency approved by the building official.
- (n) *Test reports.* The building official shall retain reports of tests for the period required for retention of public records.

Sec. 7-30. - Permits.

- (a) *Permit required.* A permit shall be obtained before beginning construction, erection, alteration or repair to a building or structure, mechanical system, gas system, plumbing system, electrical system, and energy conservation system, other than ordinary repairs. Permits for emergency work shall be obtained within the next business day.
- (b) *Work commencing before permit issuance.* In addition to any other remedies provided by law, any person, contractor or company commencing any work on a building or structure, mechanical, gas, plumbing, or system electrical system before obtaining the required permit shall be subject to a penalty of one hundred (100) percent of the usual permit fee in addition to the required permit fee.
- (c) *Work exempt from permit.* Exemptions from the permit requirements of this section shall not be

deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of the city. Permits shall not be required for the following:

- (1) Building:
 - (A) Fences not over eight (8) feet (2440 mm) high.
 - (B) Retaining walls which are not over four (4) feet (1219 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 III-A liquids.
 - (C) Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (18,927 L) and the ratio of height to diameter or width does not exceed two (2) to one (1).
 - (D) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work where there has been no change in occupant or occupancy.
 - (E) Temporary motion picture, television and theater stage sets and scenery.
 - (F) Prefabricated swimming pools that are less than twenty-four (24) inches (610 mm) deep and are installed entirely above ground.
 - (G) Swings and other playground equipment accessory to one- and two-family dwellings.
 - (H) Window awnings supported by an exterior wall.
 - (I) Movable cases, counters and partitions not over five (5) feet nine (9) inches (1753 mm) in height.
- (2) Electrical:
 - (A) *Repairs and maintenance.* Ordinary repairs, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - (B) *Radio and television transmitting stations.* Electrical equipment used for radio and television transmissions, but permits are required for equipment and wiring for power supply, the installation of towers and antennas.
 - (C) *Temporary testing systems.* The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
- (3) Gas:
 - (A) Portable heating appliances.
 - (B) Replacement of any minor component of equipment that does not alter approval of equipment or make such equipment unsafe.
- (4) Mechanical:
 - (A) Portable heating appliances.
 - (B) Portable ventilation equipment.
 - (C) Portable cooling unit.
 - (D) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter.
 - (E) Replacement of any part which does not alter its approval or make it unsafe.
 - (F) Portable evaporative cooler.
 - (G) Self-contained refrigeration system containing ten (10) pounds (4.54 kg) or less of refrigerant and actuated by motors of one (1) horsepower (746 W) or less.
- (5) Plumbing:
 - (A) The shopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any

concealed trap, drainpipe, 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 new work and a permit shall be obtained and inspection made as provided in this chapter.

(B) The clearing of stoppages or the repairing of leaks in pipe, 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.

- (d) *Application for permit.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the development department for that purpose. Such application shall:
- (1) Identify and describe the work to be covered by the permit for which application is made.
 - (2) Describe the land on which the proposed work is to be done by street address, legal description or similar description that will readily identify and definitely locate the proposed building or structure or work.
 - (3) Indicate the use and occupancy for which the proposed work is intended.
 - (4) Be accompanied by construction plans and documents and any other information that the director may require to ascertain whether the proposed building meets the requirements of this chapter.
 - (5) State the valuation of the proposed work.
 - (6) Contain the full names, addresses and telephone numbers of the applicant/contractor and the property owner and shall be signed by the applicant/contractor and the property owner.
 - (7) The building official may require any additional information to be provided so that an understanding of all work to be performed can be ascertained from the permit application.
- (e) *Action on application.* The building official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing but no later than ten (10) calendar days after the filing of a complete application in conformity with this section. If the application or the construction plans or documents do not conform to the requirements of this chapter, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this chapter, the building official shall issue a permit therefor as soon as practicable.
- (f) *Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless a permit has been issued. The building official is authorized to grant up to three written extensions of time for additional periods not exceeding ninety (90) days each before such application is declared abandoned. The extension shall be requested in writing and justifiable cause demonstrated.
- (g) *Validity of permit.* The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions of this chapter, of any local, state or federal law or any provision of this Code. Permits presuming to give authority to violate or cancel the provisions of this chapter or other provisions of this Code shall not be valid and are void. The issuance of a permit based on construction plans and documents and other data shall not prevent the building official from requiring the correction of errors in the construction plans and documents and other data. The building official is also authorized to prevent occupancy or use of a building or structure where there exists any violation of this chapter or of any other provisions of the code, or where there exists a hazard to the health, safety and welfare of the public or the occupants of the building or structure.
- (h) *Expiration of permit.* Every permit issued shall become invalid and of no force and effect if the work on the site authorized by such permit is not commenced or if no city inspection has been performed within 180 days or if the work authorized on the site by such permit has been commenced and has been suspended or abandoned or no further city inspection has been performed for a period of one hundred eighty (180) days. The building official is authorized to grant one (1) written extension of the permit for a period of not more than one hundred eighty (180) days. The extension shall be requested in writing and justifiable cause demonstrated.

- (i) *Suspension or revocation.* The building official is authorized to suspend or revoke a permit issued under the provisions of this chapter if the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any applicable provision of this Code.
- (j) *Contractor change, reissuing of permit.*
 - (1) No permit shall be reissued on any work or job site for which a permit already exists except after notification in writing from the owner of the change in contractor and that the new contractor is authorized by the owner to re-permit the work. Re-issuance of a permit shall make the new contractor responsible for the complete job or system and all work or code deficiencies, if any, as built, erected or installed by the previous or former contractor.
 - (2) The contractor who re-permits the work or job shall pay a re-permit fee of fifty dollars (\$50.00).
- (k) *Placement of building permit, inspections card, and construction plans.* The building permit or copy, inspections card, and construction plans shall be kept on the site of the work until completion of the work. The inspections card shall be posted within thirty-six (36) to forty-eight (48) inches above grade facing the street or in a window of the structure under construction in a manner where it is visible from the street and if outside, in a weatherproof cover. The construction plans shall be kept on the construction site in a manner that they can be produced upon demand by the building official.

Sec. 7-31. - Construction plans and documents.

- (a) *Submittal of plans and documents.*
 - (1) Construction plans and documents, special inspection and structural observation programs, and other data shall be submitted in three (3) or more sets with each application for a permit. As required by OCGA 43-4-14, the construction plans and documents shall be prepared by a registered design professional. When the building official is unable to make a determination as to the grant or denial of a permit based upon the plans submitted with a permit application, the building official is authorized to require additional construction plans and documents to be prepared by the applicant or a registered design professional.
 - (2) The building official is authorized to waive in writing the submission of construction plans and documents and other data required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction plans and documents is not necessary to obtain compliance with this chapter. In addition, construction plans and documents for single-family residential construction do not have to be prepared by a registered design professional unless required by the building official in writing.
- (b) *Information on construction plans and documents.* Construction plans and documents shall be dimensioned and drawn upon suitable material. Electronic media construction plans and documents are permitted to be submitted when approved by the building official. Construction plans and documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and all other applicable laws and regulations.
- (c) *Fire protection system shop drawings.* Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this chapter and the construction plans and documents and shall be approved by the building official prior to the start of system installation.
- (d) *Manufacturer's installation instructions for residential installation.* Manufacturer's installation instructions, as required by the International Residential Code, shall be available on the residential job site at the time of inspection.
- (e) *Exterior wall envelope.* Construction plans and documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this chapter. The construction plans and documents shall provide details of the exterior wall envelope as required, including flashing,

intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water resistive membrane, and details around openings.

- (f) *Manufacturing installation instructions.* The construction plans and documents shall include manufacturing installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction plans and documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.
- (g) *Site plan.* The construction plans and documents submitted with the application for a building permit shall be accompanied by a site plan approved by the development department showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show the structure/infrastructure to be demolished and the location and size of existing structures/infrastructure that are to remain on the site or lot. The building official is authorized to waive or modify in writing the requirement for a site plan.
- (h) *Examination of construction plans and documents.* The building official shall examine or cause to be examined the accompanying construction plans and documents and shall ascertain by such examination whether the proposed construction indicated and described is in compliance with the requirements of this chapter and other pertinent provisions of this Code.
- (i) *Approval of construction plans and documents.* When the building official issues a permit, the construction plans and documents shall be approved, in writing or by stamp, as being in compliance with this chapter. However, the approval of construction plans and documents and other data shall not prevent the building official from requiring the correction of errors in the construction plans and documents and other data. One (1) set of construction plans and documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official.
- (j) *Previous approvals.* The enactment of this ordinance shall not require changes in the construction plans and documents, construction or designated occupancy of a structure for which a lawful permit has been issued prior to enactment of this ordinance and the construction of which has been pursued and not abandoned within one hundred eighty (180) days after the effective date of this ordinance.
- (k) *Phased approval.* The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction plans and documents for the whole building or structure have been submitted, provided that construction plans and documents and adequate information and detailed statements have been filed complying with pertinent requirements of this chapter. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the approved part of the building construction operation and without any assurance that a permit for the entire structure will be granted by the building official.
- (l) *Design professional in responsible charge.*
 - (1) When it is required and requested by the building official that construction plans and documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The owner shall notify the building official in writing if the registered design professional in responsible charge is changed or is unable to continue to perform the duties required by this Code.
 - (2) The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal plans and documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

- (m) *Deferred submittals.* For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.
 - (1) Deferral of any submittal items shall require prior approval by the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction plans and documents for review by the building official.
 - (2) Submittal construction plans and documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal plans and documents have been approved by the building official in writing.
- (n) *Amended construction plans and documents.* Work shall be installed in accordance with the reviewed construction plans and documents, and any changes made during construction that are not in compliance with the approved construction plans and documents shall be resubmitted by the holder of the building permit for approval as an amended set of construction plans and documents.
- (o) *Retention of construction plans and documents.* One (1) set of approved construction plans and documents shall be retained by the building official for a period of not less than one hundred eighty (180) days from date of completion of the permitted work or as required by state or local laws.

Sec. 7-31.1. - Requirements for construction.

- (a) A permit application for a building permit shall include a site plan. The site plan shall delineate the proposed grading for the entire site, the storm water control measures proposed to protect adjacent properties, erosion control, water quality measures, and include a tree survey and a tree protection plan.
- (b) An applicant shall also indicate on the site plan the location of the following construction-related items:
 - (1) Dumpsters or other onsite disposal equipment;
 - (2) Portable toilets;
 - (3) Onsite parking for construction vehicles;
 - (4) Construction material staging and storage; and
 - (5) Borrow or stockpile areas.
- (c) Construction activity and deliveries shall be limited to:

Monday—Friday	7:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.

There shall be no construction activity or deliveries on Sundays, New Year's Day, Thanksgiving Day, Christmas Day, Memorial Day, Independence Day or Labor Day unless such activity arises from an emergency which puts the site or neighboring property owners and their property at risk of harm or loss.

- (d) Dumpsters or any onsite waste disposal equipment may not be located on the street. If adequate traffic controls can be implemented, the community development department director or designee may approve the placement of dumpsters and onsite waste disposal equipment on a street so long as the street has a paved width greater than twenty-four (24) feet.
- (e) Portable toilets shall be located off of the right-of-way and at least fifteen (15) feet from any adjacent property line and maintained in a sanitary condition.
- (f) Wherever possible, temporary parking shall be provided onsite and not on the street.
- (g) The distance between a retaining wall and the side property line on all single-family detached residential lots shall be equal to at least half of the distance between the side property line and the required setback line. Unless a variance is obtained pursuant to the provisions of subsection 27-787(b), newly constructed retaining walls shall not be higher than four (4) feet. However, existing retaining walls may be repaired and replaced so long as the height of the repaired or replaced wall does not increase in height over the original height of the wall.
- (h) In addition to the requirements set forth in section 14-39 of the Code of the City of Tucker, the trees of six (6) inches DBH or greater located in the front yard and the rear half of the rear yard of an infill lot, as that term is defined in section 27-31, shall be preserved unless it can be demonstrated to the development director or designee in the demolition site plan that no reasonable alternatives to removal exist in order to accommodate permitted accessory structures, utilities, drainage measures, water quality improvements, and driveways.
- (i) Existing drainage patterns located along property lines shall not be adversely affected by construction of a building or any associated site work.
- (j) The applicant for construction on any lot shall be responsible for ensuring that all existing sewer services and taps from the building(s) to the street shall be inspected and verified to be in proper condition prior to connection.

Sec. 7-31.2. - Demolition permits.

- (a) A demolition site plan shall be submitted as part of the permit application package. The demolition site plan shall depict the trees, structures, and impervious surfaces to be removed; location and size of all trees greater than six (6) inches DBH; construction exits; tree-save areas; and best management practices for erosion control. Additionally, no demolition permit for a single-family detached residence shall be issued in a residential zoning district unless the applicant includes the original threshold elevation (if any) measured and certified by a licensed surveyor or engineer.
- (b) Only dead, diseased, or hazardous trees, as determined by a certified arborist, may be removed pursuant to a demolition permit.
- (c) An excavation site plan shall be submitted as part of the demolition permit application package when the purpose of the excavation is to locate current sewer lines in conjunction with an application for a variance from the front-door threshold elevation pursuant to section 27-749. The excavation site plan shall depict the boundaries of areas to be excavated, locations of storage areas for excavated materials, the location of structures and impervious surfaces, the location and size of all trees greater than six (6) inches DBH in the footprint of the planned excavation, tree-save areas and best management practices for erosion control.

Sec. 7-32. - Temporary structures and uses.

- (a) *General.* The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one

hundred eighty (180) days. The building official is authorized to grant one (1) written extension of ninety (90) days. The request for extension shall be in writing and shall specify the justifiable cause.

- (b) *Conformance.* Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this chapter as necessary to ensure the public health, safety and general welfare.
- (c) *Temporary power.* The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion or occupancy has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code, as adopted in Division 3 of Article II of this chapter.
- (d) *Termination of approval.* The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued for violation of the Code or applicable state or federal law.

Sec. 7-33. - Permit fees; revocation.

- (a) *Payment of fees.* A permit shall not be valid until the fees prescribed by law and the governing authority have been paid. No amendment to a permit shall be released to the applicant until the additional permit fee, if any, has been paid.
- (b) *Schedule of permit fees.* Permit fees for buildings, structures, mechanical, gas, plumbing and electrical systems shall be determined by the governing authority of the City of Tucker. The schedule of fees approved by the governing authority of the City of Tucker shall be maintained by the clerk to the mayor and city council and the director shall also retain a copy available for public inspection.
- (c) *Related fees.* The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.
- (d) *Refunds.* The governing authority is authorized to adopt a written refund policy that applies to the refund of permit fees authorized by this chapter.
- (e) *Revocation of certificates.* A certificate of occupancy, certificate of completion and/or certificate of change of tenant issued pursuant to any provision of this chapter shall be suspended or revoked by the director, and considered void, if:
 - (1) The application for a certificate of occupancy contains false or misleading information, or if the applicant omitted material facts in the application;
 - (2) Changes or alterations in the type of permitted use or occupancy occur without approval required by this Code;
 - (3) Changes or violations of the conditions of the certificate occur without approval required by this Code;
 - (4) Alterations, additions or improvements to the building, structure or systems occur without approval or without obtaining all necessary permits required by this Code;
 - (5) The premises covered by the certificate are found to be in violation of any applicable provision of this Code, state or federal law or codes;
 - (6) The establishment is a threat or nuisance to public health, safety or welfare.
- (f) No certificate of occupancy, certificate of completion and/or certificate of change of tenant shall be issued pursuant to any provision of this chapter to any applicant, business or legally or organizationally related entity if within twelve (12) months immediately preceding the filing of any application under this chapter the same applicant, business or legally or organizationally related entity requesting a certificate has been denied a certificate or had a certificate revoked for any location based in whole or in part

upon having furnished fraudulent or untruthful information in any application or having omitted any material facts in any application.

Sec. 7-34. - Inspections.

- (a) *General.* Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of other applicable provisions of the Code. Inspections presuming to give authority to violate or cancel the provisions of this chapter or of other provisions of the Code shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for any expense entailed in the removal of any material required to allow inspection.
- (b) *Preliminary inspection.* Before issuing a permit, the building official is authorized to examine buildings, structures and sites for which an application has been filed.
- (c) *Required inspections.* The building official, upon notification, shall make the inspections set forth as follows:
 - (1) *Building.*
 - (A) *Foundation and slab inspection:* To be made after trenches are excavated, forms are erected, and reinforcement is installed but before concrete is put in place. The appropriate silt and erosion control measures must be in place and functional.
 - (B) *Damproofing inspection:* To be made prior to backfill of crawl space or basement foundation walls.
 - (C) *Pre-cladding/frame inspection:* To be made after the roof, wall bracing, windows, doors and moisture barrier are installed and prior to placement of exterior cladding. Rough inspections on trades need not be complete for pre-cladding inspection.
 - (D) *Frame/insulation inspection:* To be made after wiring, piping, chimneys, duct and vents to be concealed are in place and all rough inspections approved, fire blocking is in place and the insulation in walls and inaccessible ceilings is installed. Insulation values must meet documents submitted with permit application.
 - (E) *Final inspection:* To be made after the building or structure is completed in compliance with this Code prior to issuance of the certificate of occupancy.
 - (2) *Electrical.*
 - (A) *Underground and slab inspection:* To be made after trenches or ditches are excavated, forms are erected, conduit or cable are installed, and before any backfill or concrete is put in place.
 - (B) *Rough-in inspection:* To be made after the roof, framing, fire blocking, bracing, and wiring are in place and prior to the installation of insulation and wall and ceiling membranes.
 - (C) *Final inspection:* To be made after the building or structure is complete, all required electrical outlets, switches and fixtures are in place and properly connected or protected, and the building or structure is ready for occupancy.
 - (3) *Plumbing.*
 - (A) *Underground and slab inspection:* To be made after trenches or ditches are excavated, forms are erected, piping installed and before any backfill or concrete is put in place. The appropriate silt and erosion control measures must be in place and functional.

- (B) *Rough-in inspection:* To be made after the roof, framing, fire blocking and bracing are in place and all water, soil, waste and vent piping is complete and prior to the installation of wall and ceiling membranes.
 - (C) *Final inspection:* To be made after the building is complete, and all plumbing fixtures and appliances are in place and properly connected, and the structure is ready for occupancy.
 - (D) *Testing:* Plumbing work and systems shall be tested as required in Section 312 of the International Plumbing Code. Tests shall be made by the permit holder and observed by the building official.
- (4) *Mechanical.*
- (A) *Underground and slab inspection:* To be made after trenches or ditches are excavated, forms are erected, underground duct and fuel piping is installed and before any backfill and concrete is put in place.
 - (B) *Rough-in inspection:* To be made after the roof, framing, fire blocking and bracing are in place and all duct and fuel piping to be concealed are complete and prior to the installation of wall and ceiling membranes.
 - (C) *Final inspection:* To be made after the building is complete, the mechanical system and appliances are in place and properly connected and the structure is ready for occupancy.
- (5) *Gas.*
- (A) *Rough-in inspection:* To be made after all piping authorized by the permit has been installed and before any such piping has been covered and concealed or any fixtures or appliances have been connected.
 - (B) *Final piping inspection:* To be made after all piping authorized by the permit has been installed, after all portions which are to be covered or concealed by wall and ceiling membranes, plastering, stone or brickwork have been so concealed, and before any fixtures or gas appliances have been connected.
 - (C) *Testing:* This inspection shall include a gas pressure test.
 - (D) *Final inspection:* To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by the new work or any changes, to insure compliance with the requirements of this chapter and to assure that the installation and construction of the gas system is in accordance with reviewed plans.
- (d) *Residential floodplain inspections.* For construction permitted in areas prone to flooding as established by Table R301.2(1) of the International Residential Building Code, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of a certification of the elevation of the lowest floor, including basement, prepared by a registered professional engineer or land surveyor, as required in Section R322 of the International Residential Building Code.
- (e) *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- (f) *Other inspections.* In addition to any other inspections, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this chapter and other applicable provisions of the code that are enforced by the development department.
- (g) *Residential fire-resistance-rated construction inspections.* Where fire-resistance-rated construction is required between dwelling units or due to the location on the property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

- (h) *Inspection agencies.* The building official is authorized to request and accept reports of approved inspection agencies, provided such agencies satisfy the requirements of this division.
- (i) *Pre-qualified alternate registered engineer inspections.*
 - (1) When it is evident that the city cannot provide an inspection service of construction covered by this chapter within two (2) business days of receiving a valid written request for an inspection, then, in lieu of an inspection by inspections personnel employed by the city, any person, firm, or corporation engaged in a construction project which requires an inspection, shall have the option of retaining, at their own expense, a pre-qualified alternate registered professional engineer who holds a certificate of registration issued under Chapter 15 of Title 43 of the Official Code of Georgia, and who is not an employee or otherwise affiliated with or financially interested in such person, firm, or corporation, to provide the required inspection. Pre-qualified alternate registered professional engineers shall conduct inspections in accordance with all applicable provisions of this Code and state law, including, but not limited to O.C.G.A. § 8-2-26, as amended.
 - (2) The city shall provide for the pre-qualification of alternate registered engineers who may perform inspections pursuant to this section. A pre-qualified alternate registered engineer inspector who personally makes the inspection, shall hold, in addition to the certificate registration required under Chapter 15 International Code Council/ICC of Title 43 of the Official Code of Georgia, a certification that matches his or her area of expertise. Pre-qualified alternate registered engineers may provide inspections in their scope of expertise providing they hold the aforementioned certifications that match their expertise. In lieu of personally holding an International Code Council certification, a registered engineer may employ technicians who hold the required appropriate International Code Council certifications to actually make the inspections. These employees shall also be pre-qualified by the city. Inspection reports submitted to the city shall contain both the certified technician's signature and the signature and seal of the pre-qualified alternate registered engineer and their dates of certification.
 - (3) Pre-qualified alternate registered engineer inspections and reports shall be accepted only from persons or firms who have been pre-qualified by the board. The requirements, procedures, application forms and report forms shall be as adopted by the board. Applications for approval as a pre-qualified alternate registered engineer inspector may be obtained from the development department.
- (j) *Inspections requests.* It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide safe access to and a safe means for inspection of such work for any inspections that are required by this chapter.
- (k) *Approval required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.
- (l) *Re-inspection fee.* Re-inspection fees shall be required in accordance with the fee schedule as adopted by the governing authority when work performed is required to be re-inspected due to the following reasons:
 - (1) The re-inspection is not approved due to a failure to correct a previously noted code violation on a prior inspection;
 - (2) The job is not ready for inspection when an inspection is requested and performed;
 - (3) The building or structure is not accessible and inspection cannot be performed;
 - (4) Work to be inspected has been covered or concealed and proper inspection cannot be performed;or

- (5) Prior issuance of a stop work order requires re-inspection.
- (m) *Right-of-entry.* Inspections required under the provisions of this chapter shall be made by the building official or designee. Upon presentation of proper credentials, the building official or designee may enter the premises between 8:00 a.m. and 7:00 p.m. to perform any duty imposed by this chapter provided that the building official or designee has consent to enter the premises or has obtained and presents an inspection warrant as described in this chapter.

Sec. 7-35. - Certificates of occupancy, tenancy.

- (a) *Required.* No building or structure or portion thereof shall be occupied or a change made in the type of occupancy or the nature of the use of an existing building or part thereof until after an appropriate certificate as required by this section has been issued.
- (b) *Certificate of occupancy.*
 - (1) *Issuance.* A certificate of occupancy shall not be issued by the building official until the building, structure and intended use complies with all applicable requirements of the zoning ordinance, all construction is complete and all required final building, plumbing, mechanical, gas, electric, fire, health, vegetation protection and site drainage inspections have been performed and approved.
 - (2) *Scope.* The certificate of occupancy certifies that all final inspections have been completed and the structure has been erected, to the best of the city's knowledge, in compliance with applicable Code requirements at the time of the issuance of the certificate. However, issuance of a certificate of occupancy shall not excuse the builder, contractor, tenant, or property owner from liability for any violation of the Code or any other applicable laws. Occupancy shall be limited to the area or portion of a building or structure defined by the building permit for which the certificate of occupancy is issued.
- (c) *Temporary certificate of occupancy.*
 - (1) *Scope.* A temporary certificate of occupancy may be issued for non-residential buildings or portions thereof for a specified period of time when it has been determined by the building official or designee that no outstanding Code violations or deficiencies exist and the building may be safely occupied for the use and time requested. A request for a temporary certificate of occupancy shall be made on such form as prescribed by the building official.
 - (2) *Issuance.* A temporary certificate of occupancy shall be issued for up to thirty (30) calendar days when construction has not been fully completed and all final inspections have not been performed.
 - (3) *Revocation.* A temporary certificate of occupancy may be revoked at the option of the building official for any and/or all of the following reasons:
 - (A) Violation of any building, plumbing, mechanical, electrical, fire safety or site development codes or regulations.
 - (B) Failure to complete any stage of construction and/or site improvements required by the building official in a timely manner.
 - (C) Unauthorized occupancy or use of any part or portion of the building or structure other than the area or portion for which a temporary certificate of occupancy has been granted.
 - (D) Any other conditions that may affect the health, safety and welfare of persons or property.
- (d) *Certificate of completion.* A certificate of completion shall be issued upon satisfactory completion of a building, structure, and/or plumbing, mechanical, gas or electrical system, when a certificate of occupancy is not required. The certificate of completion does not grant authority to occupy a building or structure or change the type of occupancy or nature of use prior to the issuance of a certificate of occupancy.

- (e) *Certificate of change of tenant.*
- (1) *Scope.* A certificate of change of tenant shall be required whenever there is a change of tenant occupancy in any non-residential building, structure or use and no construction, alterations, improvements or repairs to the building, structure, plumbing, mechanical, gas or electrical systems have been or are to be made. The new tenant or building owner shall be required to submit current as-built floor and fixture plans for review and complete a repair/improvement declaration. Upon approval and payment of a change of tenant fee and satisfactory inspection to determine compliance with the submitted and approved floor and fixture plan, repair/improvement declaration, and applicable sections of this chapter, a certificate of change of tenant shall be issued.
 - (2) *Permits required.* If the change of tenant involves any construction, alterations, improvements or repairs to the building, plumbing, mechanical, gas or electrical systems, all necessary permits required by this chapter shall be obtained by licensed qualified contractors and all necessary inspections shall be performed by the building official before a change of tenant, or if required, a new certificate of occupancy is issued.
- (f) *Contents of certificates.* Certificates shall contain the following:
- (1) The building permit number (or in the case of a certificate of completion, the appropriate trade permit number).
 - (2) The address of the structure.
 - (3) The name and address of the owner.
 - (4) A description of that portion of the structure for which the certificate is issued.
 - (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this chapter.
 - (6) The name of the building official.
 - (7) The edition of the code under which the permit was issued.
 - (8) If non-residential, the use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code.
 - (9) If non-residential, the type of construction as defined in Chapter 6 of the International Building Code.
 - (10) If non-residential, the design occupant load.
 - (11) If an automatic sprinkler is provided, whether the sprinkler system is required.
 - (12) Any special stipulations and conditions of the building permit.
- (g) *Revocation of certificates.* The building official or designee may revoke certificates of occupancy, certificates of completion, and certificates of change of tenant issued under provisions of this chapter, where it is shown that there have been either one or more of the following:
- (1) Changes or alterations in construction, type of permitted use or occupancy without written approval by the building official or designee.
 - (2) Changes or violations of the conditions of the certificate without written approval by the building official or designee.
 - (3) Alterations, additions, or improvements to the building, structure, or systems without permits and inspections required by this chapter.
 - (4) Violation of any zoning, building, plumbing, mechanical, electrical, fire safety or site development codes or regulations.

- (5) Any condition that may affect the building, structure or service system which, in the opinion of the director, renders the building, structure or service system unsafe, dangerous or uninhabitable.
- (6) After a certificate has been revoked, a valid certificate shall not be issued until all violations, changes, alterations, additions or improvements meet all requirements of this chapter as determined by the building official.

Sec. 7-36. - Utility service connections.

- (a) *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this chapter for which a permit is required, until approved by the building official.
- (b) *Permanent electrical service connection.* Permanent electrical service connection and meter shall not be authorized until all required final building, plumbing, mechanical, gas, electrical, drainage, vegetation, fire and health inspections have been performed and approved by the appropriate city, county, or state department or official.
- (c) *Permanent gas service connection.* Permanent gas service connection and meter shall not be authorized until the gas supply house line has been tested, inspected and approved and all appliance and equipment connections have been inspected and approved.
- (d) *Temporary electrical and gas service connections.* Temporary electrical and gas service and meter connections may be authorized for a specified period of time when the system has been inspected and found to be safe for the connections and use authorized. Such temporary service connections shall be authorized only for the following reasons:
 - (1) Testing of appliances and equipment.
 - (2) To provide heat during the winter months to prevent freeze damage to water systems and equipment and including, but not limited to, installation of wallpaper or painting.
 - (3) Temporary occupancy of the building or structure only for the training of employees or stocking of merchandise.
 - (4) Single-tenant occupancy buildings and multi-tenant occupancy buildings for which temporary service connections have been authorized shall not be allowed access by the general public for business activity other than those allowed in subsections (1), (2), and (3) above.
 - (5) Application for temporary service connections and meters shall be made on such forms as prescribed by the director.
- (e) *Authority to disconnect utility services.* The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this chapter in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.
- (f) *Connection after order to disconnect.* No person shall make connections from any energy, fuel, power supply or water distribution system or supply energy, fuel or water to any equipment regulated by this chapter that has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.

Sec. 7-37. - Violations, remedies and penalties.

- (a) *Unlawful acts.* It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, system or equipment regulated by this chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter or other applicable provisions of this Code.
- (b) *Notice of violation.* The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing, demolition, or occupancy of a building or structure, system or equipment in violation of the provisions of this chapter, or in violation of a permit or certificate of occupancy under the provisions of this chapter. Such notice or order shall direct the discontinuance or correction of the illegal action or condition and the abatement of the violation.
- (c) *Penalties.* Any person failing to discontinue, correct or abate the violation of this chapter as ordered by the building official in the notice shall be subject to issuance of a court citation to appear in the recorder's court of the City of Tucker to answer a charge(s) of violation(s) of this chapter and upon conviction shall be subject to a fine and/or imprisonment in accordance to section 1-10 of the Code. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

Sec. 7-38. - Stop work order.

- (a) *Authority.* Whenever the building official finds any work regulated by this chapter being performed in a manner contrary to the provisions of this chapter or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.
- (b) *Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
- (c) *Unlawful continuance.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to correct a violation or an unsafe condition, shall be subject to issuance of a court citation to appear in the municipal court of the City of Tucker and upon conviction shall be subject to a fine and/or imprisonment. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

Sec. 7-39. - Inspection warrants.

- (a) The building official, in addition to other procedures provided by law, may obtain an inspection warrant under the conditions specified in this section. The warrant shall authorize the building official to conduct a search or inspection of property without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.
- (b) Inspection warrants may be issued by any judge of the recorder's court when the issuing judge is satisfied that all of the following conditions are met:
 - (1) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property, or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property;
 - (2) The issuing judge determines that the issuance of the warrant is authorized by this division and all other applicable law;
 - (3) The warrant is attached to the affidavit required to be made in order to obtain the warrant;

- (4) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes a search or inspection;
- (5) The warrant indicates the conditions, objects, activities, or circumstances which the search or inspection is intended to check or reveal; and
- (6) The warrant refers, in general terms, to the provisions of the Code or state law sought to be enforced.

Sec. 7-40. - Unsafe conditions.

- (a) *Conditions.* Structures or existing equipment that are or hereafter become unsafe, uninhabitable, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, shall be deemed an unsafe condition. Structures that are deemed an unsafe condition shall be taken down and removed or made safe, as the building official deems necessary unless the notice of an unsafe condition is appealed to the board in accordance with the requirements set forth in section 7-16.
- (b) *Notice.* If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the building, structure or system found to be unsafe, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official written acceptance or rejection of the terms of the notice.
- (c) *Method of service.* Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the owner's last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the building or structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the building or structure shall constitute service of notice upon the owner.
- (d) *Restoration.* The building, structure, system or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the building, structure, system or equipment, such repairs, alterations or additions or change of occupancy shall comply with the requirements of this chapter.

Secs. 7-41—7-50. - Reserved.

DIVISION 3. - CODE ADOPTIONS⁴

Sec. 7-51. - Adopted codes.

- (a) *Generally.* As future new editions and/or amendments of the codes listed below are adopted by the Board of Community Affairs of the Georgia Department of Community Affairs, they shall become a part of or replacement for the adopted codes, rules and regulations or standards and shall become enforceable as prescribed without separate adoption by the governing authority. All new construction, installations, repairs or alterations shall be in conformance with the current edition of the following

codes and with Georgia amendments as currently adopted by the Board of Community Affairs of the Georgia Department of Community Affairs:

- (1) International Building Code.
 - a. Appendix C: Agriculture
 - b. Appendix F: Rodent Proofing
 - c. Appendix G: Flood Resistant Construction
 - d. Appendix H: Signs
 - e. Appendix I: Patio Covers
 - f. Appendix J: Grading
 - (2) International Residential Code
 - a. Appendix A: Sizing of Gas Piping
 - b. Appendix B: Vent System Sizing
 - c. Appendix C: Exit Terminals of Venting
 - d. Appendix D: Safety Inspections for Existing Appliance
 - e. Appendix E: Manufactured Housing
 - f. Appendix F: Radon Control
 - g. Appendix H: Patio Covers
 - h. Appendix K: Sound Transmission
 - i. Appendix M: Home Daycare
 - (3) International Plumbing Code
 - a. Appendix B: Rainfall Tables
 - b. Appendix C: Vacuum Drainage System
 - c. Appendix D: Temperature Tables
 - d. Appendix E: Sizing of Water Piping System
 - e. Appendix F: Structural Safety
 - (4) International Mechanical Code.
 - a. Appendix A: Chimney Connectors
 - (5) International Fuel Gas Code and all appendices.
 - (6) National Electrical Code.
 - (7) International Energy Conservation Code.
 - (8) International Fire Code.
 - (9) International Swimming Pool and Spa Code
 - (10) International Property Maintenance Code
- (b) *Referenced standards.* Standards referenced in the above-stated codes shall be considered an integral part of the code without separate adoption. If specific portions of a standard are denoted by a code test, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall govern. Permissive and advisory provisions in a standard shall not be construed as mandatory.
- (c) *Appendices.* The appendices included in any code adopted pursuant to Division 3 of Article II of this chapter are not intended for enforcement unless specifically referenced in this chapter or specifically

included in this Code.

- (d) *Referenced codes and standards.* The adopted state codes adopted pursuant to this division shall be considered part of the requirements of this chapter to the prescribed extent of each such adoption. Where differences occur between the provisions of this chapter and referenced codes and standards, the provisions of this chapter shall govern.

Sec. 7-52. - Amendments to the International Building Code and International Residential Code.

- (a) Notwithstanding anything to the contrary contained herein, the International Building Code adopted by reference in section 7-51 above is adopted with the following additions, deletions, modifications, or amendments:

- (1) *International Building Code.*

- (A) Construction Classification and Building Height.

Any new building or structure designed or intended to be more than three (3) stories in height in any respect and which individually or in aggregate with other principal buildings or structures on the same site exceeds 100,000 sq. ft. of Gross Floor Area (GFA), within the confined exterior walls of the structures whether occupiable or non-occupiable, shall, irrespective of any conflicting allowances or provisions of any other standard, code or ordinance having force and effect in the corporate limits of the City of Tucker, Georgia be of Type 1 or Type II construction defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia. This regulation shall not be used to relax or reduce any requirements in Table 503, Allowable Building Heights and Areas, or any other Section of the current adopted International Building Code.

- (b) Notwithstanding anything to the contrary contained herein, the International Residential Code adopted by reference in section 7-51 above is adopted with the following additions, deletions, modifications, or amendments:

- (1) *International Residential Code.*

- (A) Table 301.2(1) in Chapter 3 shall be completed by adding the following information to the blank spaces:

- (i) Ground snow load (lbs. Per square foot) — 8.
- (ii) Wind speed (fastest mile) — 90.
- (iii) Seismic design category B.
- (iv) Weathering — moderate.
- (v) Frost line depth — 12" minimum footing depth
- (vi) Termite damage — Yes, very heavy.
- (vii) Decay damage — Yes, moderate to severe.
- (viii) Winter design temp. for heating facilities - 22°F.
- (ix) Flood hazard May 7, 2001.

- (2) *Local supplemental ordinance requirements to the state adopted International Residential Code.*

- (A) Verification of subterranean termite control shall be submitted prior to issuance of a certificate of occupancy.

Sec. 7-53. - Amendments to the International Plumbing Code and International Mechanical Code.

- (a) Notwithstanding anything to the contrary contained herein, the International Plumbing Code adopted by reference in section 7-51 above is adopted with the following additions, deletions, modifications, or amendments:
 - (1) *Reserved.*
 - (2) *Local supplemental ordinance requirements to the state adopted plumbing code.*
 - (A) All exterior sewer drain clean outs shall be cut back to finished grade level on all residences.
- (b) Notwithstanding anything to the contrary contained herein, the International Mechanical Code adopted by reference in section 7-51 above is adopted with the following additions, deletions, modifications, or amendments:
 - (1) *Reserved.*
 - (2) *Reserved.*

Sec. 7-54. - Amendments to the International Fuel Gas Code, the state adopted electrical code and the International Energy Conservation Code.

- (a) Notwithstanding anything to the contrary contained herein, the International Fuel Gas Code adopted by reference in section 7-51 above is adopted with the following additions, deletions, modifications, or amendments:
 - (1) *Reserved.*
 - (2) *Reserved.*
- (b) Notwithstanding anything to the contrary contained herein, the state adopted electrical code adopted by reference in section 7-51 above is adopted with the following additions, deletions, modifications, or amendments:
 - (1) *Reserved.*
- (c) Notwithstanding anything to the contrary contained herein, the state adopted electrical code adopted by reference in section 7-51 above is adopted with the following additions, deletions, modifications, or amendments:
 - (1) *Amendments.*
 - (A) The provisions in Chapter 7, Division 2, Codes Administration, of the Code, shall supplement Chapter 1 of the International Energy Conservation Code. When provisions of Chapter 7, Division 2, of the Code are in conflict with provisions of Chapter 1 of the International Energy Conservation Code, then the provisions of the International Energy Conservation Code shall take precedence and govern.

Secs. 7-55—7-350. - Reserved.

ARTICLE III. - RESERVED⁵

Secs. 7-351—7-499. - Reserved.

ARTICLE IV. - BUILDING NUMBERING

Sec. 7-500. - Assigning numbers; size; when to be erected; inspections not to be made unless numbers erected.

Street numbers will be assigned for all buildings and structures. Numbers must be erected and displayed in front of the project on a board with permanent numbers not smaller than two (2) inches. Numbers must be in place at the beginning of the job before the footing inspection is made and be continuously displayed thereafter until the job is complete and all final inspections have been made. No inspection will be made where street numbers are not in place as required above. Contractors and others shall always refer to the street number when calling the public works-development department for an inspection request or information.

Sec. 7-501. - Designation of street numbers.

Street numbers for dwelling units and places of business on all public streets and street numbers or building numbers for dwelling units and places of business within apartment projects and nonresidential developments located on private streets shall be assigned by the GIS department in accordance with its administrative procedures.

Sec. 7-502. - Posting.

- (a) Each one- and two-family dwelling unit constructed after July 1, 1986, shall have posted and maintained in a conspicuous place on the property, visible from the street providing general public access, the address of such dwelling unit in figures at least three (3) inches high on a contrasting background.
- (b) Each one- and two-family dwelling unit constructed prior to July 1, 1986, shall have posted and maintained in a conspicuous place on the property, visible from the street providing general public access, the address of such dwelling unit in figures at least one (1) inch high on a contrasting background.
- (c) Each multifamily (three (3) or more dwelling units) building shall have posted and maintained in a conspicuous place on the building, visible from the parking lot or street providing general public access, the address(es) or number(s) of the building in figures at least six (6) inches high on a contrasting background and each individual apartment/unit within the building shall be marked on or about its main entrance with the individual apartment/unit number and/or address in figures at least three (3) inches high on a contrasting background. In addition to the above, where a multifamily building has more than one (1) exterior entrance, each such entrance shall be marked, in figures at least (3) inches high on contrasting background, with the numbers and/or address of each and every individual apartment/unit to which access is provided through that common entrance. This shall be effective on all new and existing units July 1, 1986.
- (d) Each place of business shall have posted and maintained in a conspicuous place on the property, visible from the street providing general public access, the address of the place of business in figures at least three (3) inches high on a contrasting background. This shall be effective on all new and existing places of business after July 1, 1986.

ARTICLE V. – RESERVED

Sec. 7-504. - RESERVED

Sec. 7-505. - RESERVED