

Staff Report

Subject: Ordinance Revision
Author: Ashley Kessler, Building Official
Department: Development Services
Meeting Date: May 21, 2024
Item Description: Consideration of an **amendment** to the Code of Ordinances **Chapter 14 - Buildings And Building Regulations. Article II - Construction Codes.**

Summary Recommendation

Staff recommends **approval** of an ordinance revision to adopt chapter 1 of the International Residential Code (IRC).

Executive Summary/Background

- The adopted chapter would cover policies that have been practiced in Effingham County for years while clarifying duties and procedures such as:
- Duties and powers of the Building Official.
- Permit requirements.
- Certificate of Occupancy and the ability of Revocation.
- Construction Documents, Inspections, Violations and Stop Work Orders.

Alternatives

1. **Approve** an **amendment** to the Code of Ordinances Chapter 1 of the International Residential Code (IRC).
2. **Deny** an **amendment** to the Code of Ordinances Chapter 1 of the International Residential Code (IRC).

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services, County Attorney

FUNDING: N/A

Attachments: 1. Chapter 14 Buildings and Building Regulations. Article II – Construction Codes.

ARTICLE II. - CONSTRUCTION CODES^[2]

Footnotes:

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State Law reference— Authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12); minimum state construction codes, O.C.G.A. § 8-2-25; enforcement of minimum state construction codes, O.C.G.A. § 8-2-26.

DIVISION 1. - GENERALLY

Sec. 14-36. - Adopted.

- (a) The following codes, the latest editions, as adopted and amended by the state department of community affairs, shall be enforced by the county:
- (1) International Building Code.
 - (2) International Mechanical Code.
 - (3) International Gas Code.
 - (4) International Plumbing Code.
 - (5) National Electrical Code.
 - (6) International Fire Prevention Code.
 - (7) International Residential Code.
 - (8) International Energy Code with Georgia Amendments.
- (b) The following appendixes of the codes adopted in subsection (a) of this section are hereby adopted by reference as though they were copied herein fully:
- (1) International Building Code: Appendix.
 - (2) International Mechanical Code: Appendix.
 - (3) International Gas Code: Appendix.
 - (4) International Plumbing Code: Appendix.
 - (5) International Fire Prevention Code: Appendix.
 - (6) National Electrical Code: Appendix.
 - (7) International Residential Code: Appendix.
- (c) The latest editions of the following codes, as adopted and amended by the state department of community affairs, are hereby adopted by reference as though they were copied herein fully:
- (1) International Excavation and Grading Code, including [Chapter 1](#), Administration.
 - (2) International Unsafe Building Abatement Code, including [Chapter 1](#), Administration.
 - (3) International Housing Code, including [Chapter 1](#), Administration and Appendix.
 - (4) International Swimming Pool Code, including [Chapter 1](#), Administration.
 - (5) International Existing Building Code, including [Chapter 1](#), Administration and Appendix.
 - (6) International Amusement Device Code, including [Chapter 1](#), Administrative and Appendix.

(Amend. of 8-1-06, § 1)

State Law reference— Authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12); construction standards generally, O.C.G.A. § 8-2-1 et seq.; minimum state construction codes, O.C.G.A. § 8-2-25.

Sec. 14-37. - Reserved.

Editor's note— An ordinance adopted Oct. 22, 2013, deleted § 14-37, which pertained to modifications—generally and derived from a motion adopted Nov. 9, 1987.

Sec. 14-38. - Reserved.

Editor's note— An ordinance adopted Oct. 22, 2013, deleted § 14-38, which pertained to same—electrical code and derived from a motion adopted Nov. 9, 1987.

Sec. 14-39. - Permit and inspection fees.

Permit and inspection fees and any other charges imposed or due under the various construction codes adopted by this article shall be as provided in the schedule of fees and charges on file in the office of the county clerk.

Sec. 14-40. - Public utilities.

- (a) No public utility may furnish temporary electrical, water, or gas connection for construction purposes unless the contractor has been issued a construction permit by the chief building official.
- (b) No public utility may furnish permanent electrical, water, or gas connections until the contractor has been issued a certificate of occupancy by the chief building official.
- (c) No public utility may furnish power to a mobile home site until the owner has been issued either a building permit or a certificate of occupancy by the chief building official.

Editor's note— Section 4 of the adopting ordinance of this Code (Ord. of 4-6-99(1)) allowed for the inclusion of § 14-40 as herein set out.

Sec. 14-41. - Sewage disposal facilities.

- (a) No building permit shall be issued until plans for sewage disposal have been approved by the county board of health.
- (b) No certificate of occupancy shall be issued until the completed sewage disposal facilities have been approved by the board of health.

(Amend. of 2-1-00)

State Law reference— Regulations for septic tanks in unincorporated areas, conformity prerequisite to building permit, O.C.G.A. § 31-3-5.1.

Sec. 14-42. - Water supply.

- (a) The board of commissioners may adopt by resolution requirements for the installation, operation, and maintenance of community water systems to ensure the supply of safe drinking water and adequate fire protection in Effingham County.
- (b) Any resolution approved pursuant to this section shall be consistent with state and federal law and with all regulations promulgated by the Georgia Department of Natural Resources, Environmental Protection Division, and such other federal and state regulations as may be applicable.
- (c) Any resolution approved pursuant to this section shall be spread upon the minutes of the county and an official copy thereof shall be kept in the office of the county clerk.

- (d) Whenever any resolution approved pursuant to this section imposes higher standards than are required in any other statute or local ordinance or regulation, the higher standards shall govern.
- (e) No building permit shall be issued until plans for water supply have been approved by the county board of health and/or such other officials as may be designated by the board of commissioners by resolution approved pursuant to this section.
- (f) No certificate of occupancy shall be issued until the completed water supply facilities have been approved by the county board of health and/or such other officials as may be designated by the board of commissioners by resolution approved pursuant to this section.

(Amend. of 2-1-00)

Secs. 14-43—14-50. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT^[3]

Footnotes:

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Cross reference— Administration, ch. 2.

Sec. 14-51. - Purpose of division.

The purpose of this division is to provide for the administration and enforcement of the Standard Building, Gas, Mechanical, and Plumbing Codes, the National Electrical Code, and other construction or technical codes as may be adopted by the state or county.

(Ord. of 11-21-97)

Sec. 14-52. - General provisions.

- (a) *Code remedial.* This division is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light, and ventilation, and safety to life and property from fire and other hazards attributed to the built environment, including alteration, repair, removal, demolition, use, and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical, and plumbing systems, which may be referred to as "service systems."
- (b) *Quality control.* Quality control of materials and workmanship is not within the purview of this division except as it relates to the purposes stated in this division.
- (c) *Permitting and inspection.* The inspection or permitting of any building system or plan by any jurisdiction, under the requirements of this division, shall not be construed in any court as a warranty of the physical condition of such building, system, or plan or their adequacy. No jurisdiction or any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system, or plan, or for any failure of any component of such, which may occur subsequent to such inspection or permitting.

(Ord. of 11-21-97)

Sec. 14-53. - Scope.

- (a) *Scope, applicability of division.* Where, in any specific case, different sections of this division specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (b) *Building code.* The provisions of the International Building Code with state amendments and local amendments of the county shall apply to the construction, alteration, repair, equipment, use, and occupancy, location, maintenance, removal, and demolition, of every building or structure or any appurtenances connected or attached to such building or structures.
- (c) *Electrical code.* The provisions of the National Electrical Code, with state amendments and local amendments, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.
- (d) *Gas code.* The provisions of the International Gas Code, with state amendments, shall apply to the installation of consumer's gas piping, gas appliances, and related accessories as covered in this division. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.
- (e) *Mechanical code.* The provisions of the International Mechanical Code, and state amendments, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and/or appurtenances, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems.
- (f) *Plumbing code.* The provisions of the International Plumbing Code, with state amendments and local amendments, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, and when connected to a water or sewerage system.
- (g) *Federal and state authority.* The provisions of this division shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on November 21, 1997, or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.
- (h) *Appendices.* To be enforceable, the appendices included in the technical codes must be referenced in the code text or specifically included in the adopting ordinance.
- (i) *Referenced standards.* Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

(Ord. of 11-21-97; Amend. of 8-1-06)

Sec. 14-54. - Building department.

- (a) *Establishment.* There is hereby established a department to be called the building department, and the person in charge shall be known as the building official.
- (b) *Building official qualifications.* The building official shall have at least ten years' experience or equivalent, as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, for five years of which shall have been in responsible charge of work. The building official should be certified as a building official through a recognized certification program.
- (c) *Inspector qualifications.* The inspector should be certified, through a recognized certification program, for the appropriate trade within 18 months.
- (d) *Deputy building official.* The building official may designate as his deputy an employee in the department who shall, during the absence or disability of the building official, exercise all the powers of the building official. The deputy building official should have the same qualifications as the inspector.
- (e) *Restrictions on employees.* An officer or employee connected with the department, except one whose only connections is as a member of the board established by this division, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or is in conflict with the interests of the department.
- (f) *Records.* The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.
- (g)

- (d) Whenever any resolution approved pursuant to this section imposes higher standards than are required in any other statute or local ordinance or regulation, the higher standards shall govern.
- (e) No building permit shall be issued until plans for water supply have been approved by the county board of health and/or such other officials as may be designated by the board of commissioners by resolution approved pursuant to this section.
- (f) No certificate of occupancy shall be issued until the completed water supply facilities have been approved by the county board of health and/or such other officials as may be designated by the board of commissioners by resolution approved pursuant to this section.

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- (b) *Quality control.* Quality control of materials and workmanship is not within the purview of this division except as it relates to the purposes stated in this division.
- (c) *Permitting and inspection.* The inspection or permitting of any building system or plan by any jurisdiction, under the requirements of this division, shall not be construed in any court as a warranty of the physical condition of such building, system, or plan or their adequacy. No jurisdiction or any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system, or plan, or for any failure of any component of such, which may occur subsequent to such inspection or permitting.

(Ord. of 11-21-97)

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- (d) *Gas code.* The provisions of the International Gas Code, with state amendments, shall apply to the installation of consumer's gas piping, gas appliances, and related accessories as covered in this division. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.
- (e) *Mechanical code.* The provisions of the International Mechanical Code, and state amendments, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and/or appurtenances, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems.
- (f) *Plumbing code.* The provisions of the International Plumbing Code, with state amendments and local amendments, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, and when connected to a water or sewerage system.
- (g) *Federal and state authority.* The provisions of this division shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on November 21, 1997, or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.
- (h) *Appendices.* To be enforceable, the appendices included in the technical codes must be referenced in the code text or specifically included in the adopting ordinance.
- (i) *Referenced standards.* Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

(Ord. of 11-21-97; Amend. of 8-1-06)

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- (a) *Establishment.* There is hereby established a department to be called the building department, and the person in charge shall be known as the building official.
- (b) *Building official qualifications.* The building official shall have at least ten years' experience or equivalent, as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, for five years of which shall have been in responsible charge of work. The building official should be certified as a building official through a recognized certification program.
- (c) *Inspector qualifications.* The inspector should be certified, through a recognized certification program, for the appropriate trade within 18 months.
- (d) *Deputy building official.* The building official may designate as his deputy an employee in the department who shall, during the absence or disability of the building official, exercise all the powers of the building official. The deputy building official should have the same qualifications as the inspector.
- (e) *Restrictions on employees.* An officer or employee connected with the department, except one whose only connections is as a member of the board established by this division, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or is in conflict with the interests of the department.
- (f) *Records.* The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.
- (g)

Liability. Any officer or employee, or member of the board of adjustments and appeals, charged with the enforcement of this article, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this article shall be defended by the department of law until the final termination of the proceedings.

- (h) *Reports.* The building official shall submit annually a report covering the work of the building department during the preceding year. He may incorporate in said report a summary of the decisions of the board of adjustments and appeals during such year.

(Ord. of 11-21-97)

Sec. 14-55. - Powers, duties of building official.

- (a) *General.* The building official is hereby authorized and directed to enforce the provisions of the codes adopted in [section 14-36](#). The building official is further authorized to render interpretations of the codes adopted in [section 14-36](#) which are consistent with their spirit and purpose.
- (b) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or violation which makes such building, structure, premises, electrical, gas, mechanical, or plumbing systems unsafe, dangerous, or hazardous, the building official may enter such building, structure, or premises at all reasonable times to inspect such building, structure, or premises, or to perform any duty imposed upon the building official by this article, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.
- (c) *Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of this article or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.
- (d) *Revocation of permits.*
- (1) *Misrepresentation of application.* The building official may revoke a permit or approval, issued under the provisions of this article, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - (2) *Violation of provisions.* The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical, or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this article.
- (e) *Unsafe buildings or systems.* All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures, or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code.
- (f) *Requirements not covered by codes.* Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, electrical, gas, mechanical, or plumbing system, or for the public safety, health, and general welfare, not specifically covered by this article or the other technical codes, shall be determined by the building official.
- (g) *Alternate materials and methods.* The provisions of the technical codes adopted in [section 14-36](#) are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building official. The building official shall approve any such alternate, provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability, and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

(Ord. of 11-21-97)

Sec. 14-56. - Permits.

- (a) *When required.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the technical codes adopted in [section 14-36](#), or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. Permits shall not be required for the following mechanical work:
- (1) Any portable heating appliance.
 - (2) Any portable ventilation equipment.
 - (3) Any portable cooling unit.
 - (4) Any steam, hot, or chilled water piping within any heating or cooling equipment regulated by this article.
 - (5) Replacement of any part which does not alter its approval or make it unsafe.
 - (6) Any portable evaporative cooler.
 - (7) Any self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
- (b) *Temporary structures.* A special building permit for a limited time shall be obtained before the erection of temporary structures, such as construction sheds, seats, canopies, tents, and fences used in construction work, or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.
- (c) *Work authorized.* A building, electrical, gas, mechanical, or plumbing permit shall carry with it the right to construct or install the work, provided such construction or installation is shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.
- (d) *Minor repairs.* Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes adopted in [section 14-36](#).
- (e) *Application; information required.* Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the building official.
- (f) *Time limitations.* An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

Building(s) that are or have been foreclosed on and/or permits that have been inactive for more than 12 months:

- (1) Resubmit the subcontractor information.
 - (2) Seventy-five percent of the original fee will be required if the house has not been dried in.
 - (3) Fifty percent of the original fee will be required if the rough-in inspection has not been completed.
 - (4) Twenty-five percent of the original fee will be required in only a final inspection is needed.
- (g) *Drawings and specifications.* When required by the building official, two or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes adopted in [section 14-36](#). Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications, and accompanying data shall bear the name and signature of the person responsible for the design.

- (h) *Additional data.* The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with their official seal.
- (i) *Design professional.* The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to such drawings, specifications, and accompanying data, for the following:
- (1) All group A, E, and I occupancies.
 - (2) Buildings and structures three stories or more high.
 - (3) Buildings and structures 5,000 square feet (465 m²) or more in area. For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.
- Exception: Group R3 buildings, regardless of size, shall require neither a registered architect or engineer, nor certification that an architect or engineer is not required.
- (j) *Structural and fire resistance integrity.* Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor, or partition will be made for electrical, gas, mechanical, plumbing, and communication conduits, pipes, and systems, and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls.
- (k) *Site drawings.* Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified surveyor.
- (l) *Hazardous occupancies.* The building official may require the following:
- (1) *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent accessways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment, and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
 - (2) *Building floor plan.* A building floor plan drawn to a legible scale which shall include, but not be limited to, all hazardous materials storage facilities within the building, and shall indicate rooms, doorways, corridors, exits, fire-rated assemblies with their hourly rating, location of liquidtight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the classes and quantity range per hazard class of the hazardous materials stored.
- (m) *Examination of documents.*
- (1) *Plan review.* The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes adopted in [section 14-36](#) and all other pertinent laws or ordinances.
 - (2) *Affidavits.* The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes adopted in [section 14-36](#). For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction, and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, strains, loads, and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical, or plumbing systems a certification that the structure, electrical, gas, mechanical, or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.
- (n) *Issuing permits.* The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes adopted in [section 14-36](#) and other pertinent laws and ordinances, he shall issue a permit to the applicant.
- (o) *Refusal to issue permit.* If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the building official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.
- (p) *Special foundation permit.* When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted, nor that corrections will not be required in order to meet provisions of the technical codes adopted in [section 14-36](#).
- (q) *Public right-of-way.* A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where such building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley, or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the director of public works for the lines of the public street on which he proposes to build, erect, or locate such building. It shall be the duty of the building official to see that the street lines are not encroached upon except as provided for in chapter 32 of the Standard Building Code.
- (r) *Contractor's responsibilities.* It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical, or plumbing systems for which a permit is required to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted.
- (s) *Conditions of the permit.*
- (1) *Permit intent.* A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes adopted in [section 14-36](#), nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this article. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the building official.
 - (2) *Issued on basis of affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the technical codes. If such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official.
- (t) *Plans.* When the building official issues a permit, he shall endorse, in writing or by stamp, both sets of plans "reviewed for code compliance." One set of drawings so reviewed shall be retained by the building official and the other set shall be returned to the applicant. The permit drawings shall be kept at the site of work and shall be open to inspection by the building official or his authorized representative.
- (u) *Fees.*
- (1) *Prescribed fees.* A permit shall not be issued until the fees prescribed in [section 8.5](#) of the county's zoning ordinance in appendix C of this Code have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas system, has been paid.
 - (2) *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.
 - (3) *Accounting.* The building official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account such fees were along with the date and amount thereof.
 - (4) *Schedule of permit fees.* On all buildings, structures, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the schedule as established by the applicable governing

- (h) *Additional data.* The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with their official seal.
- (i) *Design professional.* The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to such drawings, specifications, and accompanying data, for the following:
- (1) All group A, E, and I occupancies.
 - (2) Buildings and structures three stories or more high.
 - (3) Buildings and structures 5,000 square feet (465 m²) or more in area. For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

Exception: Group R3 buildings, regardless of size, shall require neither a registered architect or engineer, nor certification that an architect or engineer is not required.

- (j) *Structural and fire resistance integrity.* Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor, or partition will be made for electrical, gas, mechanical, plumbing, and communication conduits, pipes, and systems, and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls.
- (k) *Site drawings.* Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified surveyor.
- (l) *Hazardous occupancies.* The building official may require the following:
- (1) *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent accessways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment, and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
 - (2) *Building floor plan.* A building floor plan drawn to a legible scale which shall include, but not be limited to, all hazardous materials storage facilities within the building, and shall indicate rooms, doorways, corridors, exits, fire-rated assemblies with their hourly rating, location of liquidtight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the classes and quantity range per hazard class of the hazardous materials stored.
- (m) *Examination of documents.*
- (1) *Plan review.* The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes adopted in [section 14-36](#) and all other pertinent laws or ordinances.
 - (2) *Affidavits.* The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes adopted in [section 14-36](#). For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction, and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, strains, loads, and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical, or plumbing systems a certification that the structure, electrical, gas, mechanical, or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.
- (n) *Issuing permits.* The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes adopted in [section 14-36](#) and other pertinent laws and ordinances, he shall issue a permit to the applicant.
- (o) *Refusal to issue permit.* If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the building official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.
- (p) *Special foundation permit.* When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted, nor that corrections will not be required in order to meet provisions of the technical codes adopted in [section 14-36](#).
- (q) *Public right-of-way.* A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where such building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley, or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the director of public works for the lines of the public street on which he proposes to build, erect, or locate such building. It shall be the duty of the building official to see that the street lines are not encroached upon except as provided for in chapter 32 of the Standard Building Code.
- (r) *Contractor's responsibilities.* It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical, or plumbing systems for which a permit is required to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted.
- (s) *Conditions of the permit.*
- (1) *Permit intent.* A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes adopted in [section 14-36](#), nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this article. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the building official.
 - (2) *Issued on basis of affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the technical codes. If such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official.
- (t) *Plans.* When the building official issues a permit, he shall endorse, in writing or by stamp, both sets of plans "reviewed for code compliance." One set of drawings so reviewed shall be retained by the building official and the other set shall be returned to the applicant. The permit drawings shall be kept at the site of work and shall be open to inspection by the building official or his authorized representative.
- (u) *Fees.*
- (1) *Prescribed fees.* A permit shall not be issued until the fees prescribed in [section 8.5](#) of the county's zoning ordinance in appendix C of this Code have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas system, has been paid.
 - (2) *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.
 - (3) *Accounting.* The building official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account such fees were along with the date and amount thereof.
 - (4) *Schedule of permit fees.* On all buildings, structures, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the schedule as established by the applicable governing

authority. See the applicable appendix in the technical codes adopted in [section 14-36](#) for suggested fee schedules.

- (v) *Building permit valuations.* If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical, or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment, and other systems including materials and labor.

(Ord. of 11-21-97; Ord. of 9-15-09)

Sec. 14-57. - Inspections.

- (a) *Existing building inspections.* Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical, and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.
- (b) *Manufacturers and fabricators.* When deemed necessary by the building official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.
- (c) *Inspection service.* The building official may make, or cause to be made, the inspections required by this article. He may accept reports of inspectors of recognized inspection services, provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes adopted in [section 14-36](#) shall not be based on such reports unless such reports are in writing and certified by a responsible officer of such service.
- (d) *Prior to issuance of certificate of occupancy or completion.* The building official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical, or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.
- (e) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the building official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the building official.
- (f) *Required inspections.* The building official, upon notification from the permit holder or his agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes adopted in [section 14-36](#):

(1) *Buildings.*

- a. Foundation inspection: To be made after trenches are excavated and forms erected.
- b. Subfloor inspection.
- c. Slab.
- d. Frame inspection: To be made after the roof, all framing, fire blocking, and bracing is in place, all concealing wiring, all pipes, chimneys, ducts, and vents are complete.
- e. Final inspection: To be made after the building is completed and ready for occupancy.

(2) *Electrical.*

- a. Underground inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
- b. Rough-in inspection: To be made after the roof, framing, fireblocking, and bracing are in place and prior to the installation of wall or ceiling membranes.
- c. Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(3) *Plumbing:*

- a. Underground inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
- b. Rough-in inspection: To be made after the roof, framing, fireblocking, and bracing are in place and all soil, waste, and vent piping are complete, and prior to the installation of wall or ceiling membranes.

Note: See section 311 of the Standard Plumbing Code for required tests.

(4) *Mechanical.*

- a. Underground inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
- b. Rough-in inspection: To be made after the roof, framing, fire blocking, and bracing are in place and all ducting and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
- c. Final inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

(5) *Gas.*

- a. Rough piping inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
- b. 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 new work or any changes, to ensure compliance with all the requirements of this article, and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

- (g) *Written release.* Work shall not be done on any part of a building, structure, electrical, gas, mechanical, or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by the inspections in subsections (f)(3) through (f)(5) of this section.
- (h) *Reinforcing steel and structural frames.* Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.
- (i) *Plaster fire protection.* In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building official after all lathing and backing is in place. Plaster shall not be applied until the release from the building official has been received.

(Ord. of 11-21-97)

Sec. 14-58. - Certificates of occupancy.

- (a) *Required.* A new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy. Such certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the technical codes adopted in [section 14-36](#) and other applicable laws and ordinances and released by the building official.
- (b) *Issuance.* Upon satisfactory completion of construction of a building or structure any installation of electrical, gas, mechanical, and plumbing systems in accordance with the technical codes adopted in [section 14-36](#), reviewed plans and specifications, and after the final inspection, the building official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this article.
- (c) *Temporary/partial occupancy.* A temporary/partial certificate of occupancy may be issued for a portion of a building which may safely be occupied prior to final completion of the building.
- (d) *Service utilities.*

- (1) *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel, or power to any building or system which is regulated by the technical codes adopted in [section 14-36](#) for which a permit is required, until released by the building official and a certificate of occupancy or completion is issued.
 - (2) *Temporary connection.* The building official may authorize the temporary connection of the building or system to the utility source of energy, fuel, or power for purpose of testing building service systems or for use under a temporary certificate of occupancy.
 - (3) *Authority to disconnect service utilities.* The building official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by the technical codes adopted in [section 14-36](#), in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system of the decision to disconnect 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.
- (e) *Posting floor loads.*
- (1) *Occupancy.* An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The building official may permit occupancy of a building for mercantile, commercial, or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.
 - (2) *Storage and factory-industrial occupancies.* It shall be the responsibility of the owner, agent, proprietor, or occupant of group S and group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the building department.
 - (3) *Signs required.* In every building or part of a building used for storage, industrial, or hazardous purposes, the safe floor loads, as reviewed by the building official on the plan, shall be marked on plates of approved design, which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed, or defaced, shall be replaced by the owner of the building.

(Ord. of 11-21-97)

Sec. 14-59. - Tests.

The building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

(Ord. of 11-21-97)

Sec. 14-60. - Construction board of adjustment and appeals.

- (a) *Appointment.* There is hereby established a board to be called the construction board of adjustment and appeals, which shall consist of five members and four alternates. The board shall be appointed by the board of commissioners and shall supersede any previous board of adjustment and appeals established by the board of commissioners.
- (b) *Membership.* The construction board of adjustment and appeals shall consist of five regular members and four alternates. Such board members should be composed of individuals with knowledge and experience in the technical codes adopted in [section 14-36](#), such as design professionals, contractors, or building industry representatives. The board shall include one member and one alternate each having knowledge and experience in plumbing, electrical, heating and air conditioning, and general contracting. A board member shall not participate in a case in which he has a personal or financial interest. A board member shall meet the following requirements: be a resident of Effingham County; have a valid business license; and be licensed by the State of Georgia in the field in which said board member represents. The board shall elect a chairperson from among its members.
- (c) *Terms.* The initial terms of office of the board members shall be staggered. Three regular members and two alternates shall be appointed for four-year terms commencing on January 1, 2006 and expiring on December 31, 2009. Two regular members and two alternates shall be appointed for two-year terms commencing on January 1, 2006 and expiring on December 31, 2007. Thereafter, all appointments shall be for terms of four years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall, at the discretion of the board of commissioners, render any such member subject to immediate removal from office.
- (d) *Quorum and voting.* A simple majority of the regular members of the board shall constitute a quorum. If one or more regular members are unable to attend a meeting, the alternate member having knowledge and experience in the absent member's area of knowledge and experience shall participate and vote. In varying any provision of this article, the affirmative votes of three members shall be required. In modifying a decision of the building official, the affirmative votes of three members shall be required. The board shall meet at least once quarterly.
- (e) *Secretary of board.* The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.
- (f) *Powers.* The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes adopted in [section 14-36](#).
- (g) *Appeals from decision of building official.* The owner of a building, structure, or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:
 - (1) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure, or service system.
 - (2) The provisions of this article do not apply to this specific case.
 - (3) That an equally good or more desirable form of installation can be employed in any specific case.
 - (4) The true intent and meaning of this article or any of the regulations thereunder have been misconstrued or incorrectly interpreted.
- (h) *Variances.* The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of this article to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes adopted in [section 14-36](#) or public interest, and also finds all of the following:
 - (1) That special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others.
 - (2) That the special conditions and circumstances do not result from the action or inaction of the applicant.
 - (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this article to other buildings, structures, or service systems.
 - (4) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure, or service system.
 - (5) That the grant of the variance will be in harmony with the general intent and purpose of this article and will not be detrimental to the public health, safety, and general welfare.
- (i) *Conditions of the variance.* In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed, or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this article. Violation of the conditions of a variance shall be deemed a violation of this article.
- (j) *Notice of appeal.* Notice of appeal shall be made in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.
- (k) *Unsafe or dangerous buildings or service systems.* In the case of a building, structure, or service system which, in the opinion of the building official, is unsafe, unsanitary, or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.
- (l) *Rules and regulations.* The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this article. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.
- (m) *Decisions.* The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this article, the building official shall immediately take action in accordance with such decision.

- (1) *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel, or power to any building or system which is regulated by the technical codes adopted in section 14-36 for which a permit is required, until released by the building official and a certificate of occupancy or completion is issued.
 - (2) *Temporary connection.* The building official may authorize the temporary connection of the building or system to the utility source of energy, fuel, or power for purpose of testing building service systems or for use under a temporary certificate of occupancy.
 - (3) *Authority to disconnect service utilities.* The building official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by the technical codes adopted in section 14-36, in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system of the decision to disconnect 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.
- (e) *Posting floor loads.*
- (1) *Occupancy.* An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The building official may permit occupancy of a building for mercantile, commercial, or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.
 - (2) *Storage and factory-industrial occupancies.* It shall be the responsibility of the owner, agent, proprietor, or occupant of group S and group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the building department.
 - (3) *Signs required.* In every building or part of a building used for storage, industrial, or hazardous purposes, the safe floor loads, as reviewed by the building official on the plan, shall be marked on plates of approved design, which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed, or defaced, shall be replaced by the owner of the building.

(Ord. of 11-21-97)

Sec. 14-59. - Tests.

The building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

(Ord. of 11-21-97)

Sec. 14-60. - Construction board of adjustment and appeals.

- (a) *Appointment.* There is hereby established a board to be called the construction board of adjustment and appeals, which shall consist of five members and four alternates. The board shall be appointed by the board of commissioners and shall supersede any previous board of adjustment and appeals established by the board of commissioners.
- (b) *Membership.* The construction board of adjustment and appeals shall consist of five regular members and four alternates. Such board members should be composed of individuals with knowledge and experience in the technical codes adopted in section 14-36, such as design professionals, contractors, or building industry representatives. The board shall include one member and one alternate each having knowledge and experience in plumbing, electrical, heating and air conditioning, and general contracting. A board member shall not participate in a case in which he has a personal or financial interest. A board member shall meet the following requirements: be a resident of Effingham County; have a valid business license; and be licensed by the State of Georgia in the field in which said board member represents. The board shall elect a chairperson from among its members.
- (c) *Terms.* The initial terms of office of the board members shall be staggered. Three regular members and two alternates shall be appointed for four-year terms commencing on January 1, 2006 and expiring on December 31, 2009. Two regular members and two alternates shall be appointed for two-year terms commencing on January 1, 2006 and expiring on December 31, 2007. Thereafter, all appointments shall be for terms of four years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall, at the discretion of the board of commissioners, render any such member subject to immediate removal from office.
- (d) *Quorum and voting.* A simple majority of the regular members of the board shall constitute a quorum. If one or more regular members are unable to attend a meeting, the alternate member having knowledge and experience in the absent member's area of knowledge and experience shall participate and vote. In varying any provision of this article, the affirmative votes of three members shall be required. In modifying a decision of the building official, the affirmative votes of three members shall be required. The board shall meet at least once quarterly.
- (e) *Secretary of board.* The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.
- (f) *Powers.* The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes adopted in section 14-36.
- (g) *Appeals from decision of building official.* The owner of a building, structure, or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:
 - (1) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure, or service system.
 - (2) The provisions of this article do not apply to this specific case.
 - (3) That an equally good or more desirable form of installation can be employed in any specific case.
 - (4) The true intent and meaning of this article or any of the regulations thereunder have been misconstrued or incorrectly interpreted.
- (h) *Variances.* The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of this article to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes adopted in section 14-36 or public interest, and also finds all of the following:
 - (1) That special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others.
 - (2) That the special conditions and circumstances do not result from the action or inaction of the applicant.
 - (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this article to other buildings, structures, or service systems.
 - (4) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure, or service system.
 - (5) That the grant of the variance will be in harmony with the general intent and purpose of this article and will not be detrimental to the public health, safety, and general welfare.
- (i) *Conditions of the variance.* In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed, or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this article. Violation of the conditions of a variance shall be deemed a violation of this article.
- (j) *Notice of appeal.* Notice of appeal shall be made in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.
- (k) *Unsafe or dangerous buildings or service systems.* In the case of a building, structure, or service system which, in the opinion of the building official, is unsafe, unsanitary, or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.
- (l) *Rules and regulations.* The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this article. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.
- (m) *Decisions.* The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this article, the building official shall immediately take action in accordance with such decision.

Every decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing.

- (n) *Appeal to commissioners.* Any person who is aggrieved by a decision of the construction board may file a grievance with the board of commissioners within ten days of the date of decision in question. The board of commissioners shall review such decision, and in its discretion, may conduct a hearing under such rules as it may prescribe. The decision of the board of commissioners shall be final, subject only to such remedy as any party may have in law or equity.

(Ord. of 11-21-97; Ord. of 3-7-06, §§ 1—4)

Sec. 14-61. - Penalty for violation of article.

Any person who shall violate a provision of this article, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish, or move any structure, electrical, gas, mechanical, or plumbing system, or has erected, constructed, altered, repaired, moved, or demolished a building, structure, electrical, gas, mechanical, or plumbing system in violation of a detailed statement or drawing submitted and permitted thereunder shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

(Ord. of 11-21-97)

