

STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST

**RESOLUTION NO. 2021-\_\_\_\_**

1 A RESOLUTION TO CREATE AND AUTHORIZE A CONSTRUCTION BOARD OF  
2 APPEALS FOR THE PURPOSE OF HEARING APPEALS OF DECISIONS AND  
3 INTERPRETATIONS OF THE BUILDING OFFICIAL IN ACCORDANCE WITH SECTIONS  
4 7-1 AND 7-87 OF CHAPTER 7, ARTICLE III, DIVISION 2 OF THE CITY’S CODE OF  
5 ORDINANCES; PROVIDING THE APPOINTMENT OF SAID BOARD, DEFINING THE  
6 DUTIES OF THE BOARD; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR  
7 SEVERABILITY AND FOR OTHER LAWFUL PURPOSES.

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9 **WHEREAS**, the City of Stonecrest, Georgia, has a vested interest in the general safety and  
10 welfare of its citizens, building occupants and the general public to ensure that safe and structurally  
11 sound buildings exist and/or are constructed within its jurisdictional limits; and

12 **WHEREAS**, the Building Official, as defined by Section 7-1 of Chapter 7, Article II,  
13 Division 2 of the City’s Code of Ordinances, is authorized to receive applications, review  
14 construction documents and plans, issue permits for the erection, construction, alteration and  
15 demolition of buildings and structures and installation of mechanical, plumbing, gas and electrical  
16 systems, inspect the premises for which such permits have been issued and enforce compliance  
17 with the provisions of Chapter 7, Article III and other applicable provisions of the City’s Code of  
18 Ordinances; and

19 **WHEREAS**, the Building Official has the authority to render interpretations of the City’s  
20 Construction and Building Code and the adopted state codes, including the State Minimum  
21 Standard Codes, as defined by O.C.G.A. § 8-2-20(9); and



44 ESTABLISHMENT AND AUTHORIZATION OF THE CONSTRUCTION BOARD  
45 OF APPEALS

46 There is hereby established the Construction Board of Appeals of the City of Stonecrest,  
47 Georgia (the “Board”).

48 The five members of the Board shall serve at the pleasure of the Council of the City of  
49 Stonecrest, Georgia, and shall be subject to removal at will, without cause. The Board shall meet  
50 at least once a year and whenever an action is requested before the board, but no more often than  
51 every 30 days. The Board shall hold hearings open to the public and shall produce an agenda to be  
52 made available at least two business days prior to the meeting of the Board. The Board shall issue  
53 decisions in writing within 30 days of the final hearing and shall include the basis for the decision.  
54 The City of Stonecrest, Georgia, shall provide the Board with suitable office space, meeting  
55 accommodations and clerical support, as the city shall deem appropriate and necessary.

56 **SECTION II**

57 DUTIES

58 The Board is hereby established to: (1) hear appeals of decisions and interpretations of the  
59 Building Official, (2) hear appeals of the Building Official's decision related to the use of  
60 alternative materials, designs, methods of construction, equipment and appliances; and (3) hear  
61 appeals of the Building Official's decision related to unsafe conditions as regulated in Section 7-  
62 63 of Chapter 7, Article III, Division 2 of the City’s Code of Ordinances.

63 **SECTION III**

64 MEMBERSHIP

65 Board qualifications for members shall be as outlined in the City of Stonecrest’s Code  
66 of Ordinances Section 7-87 of Chapter 7, Article III, Division 2. All members of the Board shall

67 be residents of the City of Stonecrest and shall have experience in the building industry. The  
68 members of the Board shall have applicable experience in drainage and structural issues in  
69 residential-home-design or construction, heating ventilation and air conditioning, electrical  
70 installations and plumbing. Members of the Board shall hold no other city office, appointed  
71 position within the city or any other city compensated position. Any vacancy on the Board shall  
72 be filled in accordance with the original appointing procedure for the vacant position. Any  
73 newly appointed member shall serve for the remainder of the unexpired term.

#### 74 **SECTION IV**

#### 75 TERMS

76 As to the initial terms of the five Board members, they are as follows: two initial Board  
77 members shall be designated to serve a term of two years, and three initial Board members shall  
78 be designated to serve a term of four years. After expiration of any term thereafter, each Board  
79 member shall serve a term of four years. Terms of each Board member shall expire on  
80 December 31 of the Board member's term regardless whether a successor has been appointed  
81 to the Board member's position. Successive terms are permissible, but in no event shall a  
82 member be permitted to serve more than eight consecutive years. Any Board member may be  
83 removed with or without cause by the City Council.

#### 84 **SECTION V**

#### 85 COMPENSATION

86 The Board members shall not be compensated, except that the City of Stonecrest,  
87 Georgia, may reimburse the Board members for necessary expenses incurred in the  
88 performances of their official duties.

#### 89 **SECTION VI**

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QUORUM

Three members of the Board shall constitute a quorum at any meeting and a vote of three voting members shall be required to enable the Board to act.

**SECTION VII**

GOVERNANCE

The Board shall elect a chair, vice-chair and secretary. The persons so elected shall serve in these capacities for a term of one year. No person may serve in any of these capacities for more than three 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 Chapter 7 of the City's Code of Ordinances and necessary to carry out the provisions of this chapter.

All hearings of the Board shall be open to the public and the agenda shall be made available at least two business days prior to the meeting of the Board. Matters not placed on the agenda 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.

**SECTION VIII**

INITIAL MEMBERS

The initial members of the Construction Board of Appeals shall be as follows:

1. Member
2. Member
3. Member
4. Member

113 5. Member

114 **SECTION IX**

115 ENFORCEMENT AND SEVERABILITY

116 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,  
117 paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment,  
118 believed by the Mayor and Council to be fully valid, enforceable and constitutional.

119 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
120 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
121 Resolution is severable from every other section, paragraph, sentence, clause or phrase of this  
122 Resolution. It is hereby further declared to be the intention of the Mayor and Council that, to  
123 the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this  
124 Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase  
125 of this Resolution.

126 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution  
127 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
128 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the  
129 express intent of the Mayor and Council that such invalidity, unconstitutionality or  
130 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional  
131 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or  
132 sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases,  
133 clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional,  
134 enforceable, and of full force and effect.

135 **SECTION X**

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REPEAL OF CONFLICTING RESOLUTIONS

All resolutions and parts of resolutions in conflict herewith are hereby expressly repealed.

**SECTION XI**

EFFECTIVE DATE OF RESOLUTION

This Resolution shall become effective upon the date of approval and execution by the Mayor and Council of the City of Stonecrest, Georgia.

**SO RESOLVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

**CITY OF STONECREST, GEORGIA**

\_\_\_\_\_  
**Jason Lary, Sr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Megan Reid, City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Attorney**