

CHAPTER 105 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

Secs. 105-1—105-18. - Reserved.

ARTICLE II – BUILDING CODE

DIVISION 1. - GENERALLY

Sec. 105-19. - State minimum standards adopted.

- (1) It is hereby declared to be the intention of the Council to enforce the latest edition of the following state minimum standard codes, as adopted and amended by the state department of community affairs:
 - (a) International Building Code.
 - (b) International Fuel Gas Code.
 - (c) International Mechanical Code.
 - (d) International Plumbing Code.
 - (e) National Electrical Code.
 - (f) International Fire Code.
 - (g) International Energy Conservation Code.
 - (h) International Residential Code.
- (2) The following appendices of said codes, as adopted and amended by the state department of community affairs, are hereby referenced as though they were copied herein fully:
 - (a) International Building Code appendices H, I, J, K.
 - (b) International Residential Code appendices G, J, O.
 - (c) International Plumbing Code appendices C, I.
- (3) The following codes, the latest editions and amended by the state department of community affairs, are hereby adopted by reference as though they were copied herein fully:
 - (a) International Existing Building Code.
- (4) The Town also adopts the state minimum standard codes as defined by O.C.G.A. § 8-2-20(9).

Sec. 105-20. - International Property Maintenance Code.

The International Property Maintenance Code, 2012 edition including Appendix A, is hereby adopted and amended in the following respects:

- (1) Section 101.1 shall be amended to insert “the Town of Trion, Georgia” as the jurisdiction.
- (2) Section 103.5 Fees is amended to read as follows:

The fees for activities and services performed by the department in carrying out its Responsibilities under this code shall be set and revised as needed by the Building Official. A copy of said schedule of fees shall be posted for the public.
- (3) Section 106.4 is amended to read as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to a fine or imprisonment, upon conviction in the Trion Municipal Court, and each and every day that the premises shall remain in a condition in violation of the terms of this article shall constitute a separate offense. This section is in addition to the provisions of the abatement of said nuisance and the charge of the cost of the same against the owner of the premises by the Town. A fine imposed under this code is no less than \$25.00 and shall not exceed \$1,000.00 per offense. A sentence of imprisonment under this article shall not exceed 60 days per offense. At the discretion of the Municipal Court judge, any sentence may be probated, altered or amended. Any property owner, occupant or party of interest who violates any other property maintenance code within a 24-month period shall immediately be issued a citation and subject to a fine of not less than \$500.00.

- (4) Section 107.1 is amended to read as follows:

107.1 Notice to person responsible. Whenever the building official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, if a notice is issued, it is given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3. The building official shall have the power to issue subpoenas requiring occupants, residents, owners, or parties in interest of buildings under inspection, investigation, or who have been accused of a violation this article to appear in Trion Municipal Court. The building official or its designee shall also have the power to issue subpoenas to occupants, residents, owners, or parties in interest to produce written records related to the property under inspection or investigation.

- (5) Section 107.2 is amended to read as follows:

4. Include a correction order allowing 30 days to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

- (6) Section 112.4 is amended to read as follows:

Failure to comply. 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 remove a violation or unsafe condition, shall be liable to a fine as prescribed by Section 105-20 (1).

- (7) Section 302.4 shall be revised to read as follows:

Weeds. All premises and exterior property shall be maintained free from weeds or plant Growth in excess of twelve (12) inches.

- (8) Chapter 3, General Requirements, Section 303, Swimming Pools, Spas and Hot Tubs, of the International Property Maintenance Code, as adopted by the Town of Trion, is hereby amended by the addition of Section 303.3 following Section 303.2, to read as follows:

303.3 Discharge of Swimming Pools. The discharge of water from a swimming pool, regardless of location, size, or use type (public or private), into the environment shall be governed by the following criteria, depending on the type of occurrence:

303.3.1 Major Discharges: The discharge of chlorinated swimming pool water in an amount exceeding that which is necessary for routine back flushing of a filtration system, as a result of normal use or that occurs as a result of overflow caused by precipitation. Quantities exceeding these occurrences shall be required to conform to the following criteria:

- (a) Pool water shall not be discharged directly into any waters of State of Georgia.
- (b) Notice of intent to discharge/drain a swimming pool must be submitted to the Town of Trion at least two (2) weeks in advance of the proposed event.
- (c) Pool water must sit at least two (2) weeks after the last addition of chlorine or until the level of chlorine is below 0.1 mg/l. This is the Reference Dose based on the United States Environmental Protection Agency 2006 Edition of Drinking Water Standards and Health Advisories. It is an estimate of a daily oral exposure to

the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime.

- (d) The pH of the water must be between 6.5 and 8.5 before it is discharged (this represents a neutral range for discharge water that is neither acidic nor basic in nature).
- (e) Discharges shall not be allowed to create erosive conditions.
- (f) Discharge the water in a manner that will prevent nuisance conditions (such as creation of odors and mosquito breeding areas).
- (g) Pool water shall not be discharged onto the property of an adjacent homeowner, without notification and unless a dedicated drainage easement exists in the path of discharge.
- (h) Discharges to the environment should be directed over a vegetated surface to allow filtration to occur.
- (i) Pool water shall not be discharged into the sanitary sewer system without prior approval from the local sewer authority. Additionally, as a disinfectant, chlorinated pool water is generally not desirable as an additive to a system reliant on microorganisms for effective operation (unless de-chlorinated to the standard listed herein).
- (j) Pool water shall not be discharged directly into the storm sewer system, unless water has been de-chlorinated to a concentration of <0.1 mg/l.

303.3.2 Minor Discharges: the discharge of chlorinated swimming pool water for the purposes of routine maintenance of filtration systems (back-flushing filters), as a result of normal use or as a result of overflow due to precipitation shall meet the following criteria:

- (i) Pool water shall not be discharged directly into any waters of State of Georgia.
 - (ii) Discharges shall not be allowed to create erosive conditions.
 - (iii) Discharge the water in a manner that will prevent nuisance conditions (such as creation of odors and mosquito breeding areas).
 - (iv) Pool water shall not be discharged onto the property of an adjacent homeowner, without notification and unless a dedicated drainage easement exists in the path of discharge.
 - (v) Discharges to the environment should be directed over a vegetated surface to allow filtration to occur.
 - (vi) Pool water shall not be discharged into the sanitary sewer system without prior approval from the local sewer authority.
 - (vii) Pool water shall not be discharged directly into the storm sewer system, unless water has been de-chlorinated to a concentration of <0.1 mg/l.
- (9) Section 602.3 shall be amended to read as follows:
- Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period of October 1 to May 1 to maintain a minimum temperature of 68°F (20° C) in all habitable rooms, bathrooms and toilet rooms.
- (10) Section 602.4 shall be amended to read as follows:
- Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Sec. 105-21. - Violations and penalties.

Any person, firm, corporation, or agent who shall violate a provision of the construction codes, 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, electrical, gas, mechanical, or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder are guilty of a violation of this Code.

Sec. 105-22. - Other standards.

The owner or operator of a building containing residential units shall install equipment to determine the quantity of water that is provided to the tenants and used in the common areas of such a building; and the owner of such a building shall charge tenants separately for water and wastewater service based on usage as determined through the use of such equipment or allocation methodology.

Secs. 105-23—105-39. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 105-40. - Purpose.

The purpose of this division is to provide for the administration and enforcement of the state minimum standard codes for construction as adopted and amended by the state department of community affairs. Hereinafter, the state minimum standard codes for construction is referred to as "the construction codes."

Sec. 105-41. - Code remedial.

Generally. In general, the construction codes adopted in this article are hereby declared to be remedial, and is 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.

Quality control. Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.

Permitting and inspection. The inspection or permitting of any building, system, or plan under the requirements of construction codes shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The Town, nor any employee thereof, is liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

Sec. 105-42. - Scope.

Applicability.

- (1) *Conflict with other provisions or requirements.* Where, in any specific case, different sections of these construction codes 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 is applicable.
- (2) *Building.* The provisions of the International Building Code, as adopted and amended by the state department of community affairs, 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 buildings or structures, except in one- and two-family dwellings.
- (3) *Electrical.* The provisions of the National Electrical Code, as adopted and amended by the state department of community affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

- (4) *Gas.* The provisions of the International Fuel Gas Code, as adopted and amended by the state department of community affairs, shall apply to the installation of consumer's gas piping, gas appliances, and related accessories as covered in this Code. 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, except in one- and two-family dwellings.
- (5) *Mechanical.* The provisions of the International Mechanical Code, as adopted and amended by the state department of community affairs, 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, except in one- and two-family dwellings.
- (6) *Plumbing.* The provisions of the International Plumbing Code, as adopted and amended by the state department of community affairs, 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.
- (7) *Energy.* The provisions of the International Energy Conservation Code, as adopted and amended by the state department of community affairs, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating, and illumination systems and equipment that will enable the effective use of energy in new building construction.

Federal and state authority. The provisions of the construction codes 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 the effective date of the adoption of the construction codes 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.

Referenced standards. Standards referenced in the text of the construction codes are considered an integral part of the construction codes. If specific portions of a standard are denoted by code text, only those portions of the standard are enforced. Where construction code provisions conflict with a standard, the construction code provisions are enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

Maintenance. All buildings, structures, electrical, gas, mechanical, and plumbing systems, both existing and new, and all parts thereof, are maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, are maintained in good working order. The owner, or his designated agent, is responsible for the maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems.

Sec. 105-43. - Existing buildings.

Generally. Alterations, repairs, or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical, or plumbing system without requiring the building, structure, plumbing, electrical, mechanical, or gas system to comply with all the requirements of the construction codes provided that the alteration, repair, or rehabilitation work conforms to the requirements of the construction codes for new construction. The building official shall determine the extent to which the existing system is made to conform to the requirements of the construction codes for new construction.

Change of occupancy. If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical, and plumbing systems are made to conform to the intent of the construction codes as required by the building official.

Special historic buildings. The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety, and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within the fire districts.

Sec. 105-44. - Building department.

Established. There is hereby established a department to be called the building department and the person in charge is known as the building official.

Restrictions on employees. An officer or employee connected with the department, except one whose only connection is as a member of the board of appeals, 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 the 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 conflict with the interests of the department.

Records. The building official shall keep, or cause to be kept, a record of the business of the department.

Liability. Any officer or employee, or member of the board of appeals, charged with the enforcement of the construction codes, 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 occur 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 the construction codes are defended by the governing jurisdiction until the final termination of the proceedings.

Reports. The building official shall submit a report each year 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 appeals during said year.

Sec. 105-45. - Building official.

Generally. The building official is hereby authorized and directed to enforce the provisions of the construction codes. The building official is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose. The Town may contract with a third party to provide the duties of the building official.

Right of entry.

- (1) *Necessary enforcement of provisions.* Whenever necessary to make an inspection to enforce any of the provisions of the construction codes, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code 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 the same or to perform any duty imposed upon the building official by these construction codes, 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 or 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.
- (2) *Legal authority to enter.* When the building official shall have first obtained legal authority to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to the construction codes.
- (3) *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 the construction codes, or in a dangerous or unsafe manner, shall immediately cease. Such notice is in writing and is 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.

Revocation of permits.

- (1) *Misrepresentation of application.* The building official may revoke a permit or approval, issued under the provisions of the construction codes, 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 code 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 the construction codes.

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.

Requirements not covered by code. 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 or the construction codes, are determined by the building official.

Alternate materials and methods. The provisions of the construction codes 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 construction 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.

Sec. 105-46. - Permits.

Permit application.

- (1) *Changed occupancy.* When required, any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work.
- (2) *Work authorized.* A building, electrical, gas, mechanical, or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits are required.
- (3) *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 construction codes.
- (4) *Information required.* Each application for a permit, with the required fee, is 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 is 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.
- (5) *Time limitations.* An application for a permit for any proposed work is 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.

Drawings and specifications.

- (1) *Requirements.* 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 construction codes. Such information is specific, and the construction codes shall not be cited as a whole or in part, nor shall the term "legal," or its equivalent, be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design. The height is the vertical distance from grade plane to the average height of the highest roof surface.
- (2) *Grade plane.* A reference plane representing the weighted mean of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (1,829 mm) from the building between the structure and a point six feet (1,829 mm) from the building. On extreme lots, the top of a retaining sub-wall shall be used in the determination of average grade. The retaining sub-wall shall not exceed 15 feet in height.
- (3) *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 are affixed with their official seal.

- (4) *Design professional.* The design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications, and accompanying data, for the following:
- (a) All group A, E, and I occupancies.
 - (b) Buildings and structures three stories or more high.
 - (c) Buildings and structures 5,000 square feet (465 m²) or more in area.
 - (d) 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.
 - (e) *Exception.* Single-family dwellings, regardless of size, shall require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required
 - (f) *Structural and fire resistance integrity.* Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor, or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes, and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.
 - (g) *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. These drawings shall contain a statement of the proposed height of any existing or proposed structure.
- (5) *Hazardous occupancies.* The building official may require the following:
- (a) *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, 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 are identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
 - (b) *Building floor plan.* A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire-rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility is identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.
- (6) *Examination of documents.*
- (a) *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 construction codes and all other pertinent laws or ordinances.
 - (b) *Affidavits.* The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the construction codes. 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 showing the structural design, and by a statement that the plans and design conform to the requirements of the construction codes as to strength, stresses, 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 construction 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 construction codes and other pertinent laws or ordinances.

(7) *Issuing permits.*

- (a) *Action on 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 construction codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.
- (b) *Refusal to issue a permit.* If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other pertinent laws or ordinances, the building official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.
- (c) *Special foundation permit.* When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the construction codes.
- (d) *Public right-of-way.* A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley, or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the director of public works for the lines of the public street on which he proposes to build, erect, or locate said building; and it is the duty of the building official to see that the street lines are not encroached upon.

(8) *Contractor responsibilities.* It is the duty of every contractor who shall make contracts for the installation or repairs of buildings, structures, electrical, gas, mechanical, sprinkler, or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state license before he is permitted to perform work, the contractor shall supply the local government with its license number before receiving a permit for work to be performed. An affidavit containing the contractor's license number and a statement of responsibility shall be required prior to the issuance of a certificate of occupancy.

(9) *Conditions of the permit.*

- (a) *Permit intent.* A permit issued is construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the construction codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of the construction codes. Every permit issued shall 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 is requested in writing and justifiable cause demonstrated. Extensions are in writing by the building official.
- (b) *Permit issued on basis of an 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 are responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes. In the event such architect or engineer is not available, the owner shall employ in his place, a competent person or agency whose qualifications are reviewed by the building official.
- (c) *Plans.* When the building official issues a permit, he shall enforce, in writing or by stamp, both sets of plans "reviewed for code compliance." One set of drawings so reviewed is retained by the building official and the

other set is returned to the applicant. The permitted drawings are kept at the site of work and are open to inspection by the building official or his authorized representative.

(10) *Fees.*

- (a) *Prescribed fees.* A permit shall not be issued until the fees prescribed by the building official have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, has been paid.
- (b) *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 are subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.
- (c) *Accounting.* The building official shall keep a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.
- (d) *Schedule of permit fees.* On all buildings, structures, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit is paid as required at the time of filing application, in accordance with the fee schedules as set by the building official.
- (e) *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 is 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.

(11) *Inspections.*

- (a) *Existing buildings.* 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 construction 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 is made of every such examination and inspection and of all violations of the construction codes.
- (c) *Inspection service.* The building official may make, or cause to be made, the inspections required by subsection (h)(6) of this section. 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 construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.
- (d) *Inspections 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 is made of every building, structure, electrical, gas, mechanical, or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

(12) *Posting of permit and work hours.*

- (a) Work requiring a permit shall not commence until the permit holder or his/her agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located at a prominent location within five feet of a right-of-way at approximately five feet above grade, parallel to and facing the street within the right-of-way and prominently visible from the right-of-way. The permit shall be located such that the building official or the building official's representative shall be able to conveniently and safely access the permit and 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.

- (b) Work requiring a permit shall not commence until the permit holder or his/her agent posts notice of the allowable work hours that are stipulated within the Town noise ordinance (section 38-81 et seq.). The allowable work hours notice shall be prominently posted at all primary points of construction access to the site, at the permit posting location in a position readily visible without opening any enclosure and within any enclosure containing permit materials, and at all primary points of construction access to the interior of any building within which construction activity occurs. The allowable work hours notices shall be located prominently at eye level. The allowable work hour notices shall be maintained in such positions by the permit holder until the certificate of occupancy or completion is issued by the building official.
- (13) *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 code:
- (a) *Building.*
 - (b) *Footing inspection.* The footing inspection is to be made after trenches are excavated and reinforcement rods are in place.
 - (c) *Foundation inspection.* The foundation inspection is to be made after the forms have been erected and the reinforcing steel is in place.
 - (d) *Underslab inspection.* The underslab inspection is to be made after trenches are excavated and all electrical conduit and plumbing pipe have been installed.
 - (e) *Slab inspection.* The slab inspection is to be made after the steel, wire and vapor barrier are in place.
 - (f) *Rough inspection.* The rough framing inspection is to be made after the roof, all framing, fire blocking, and bracing are in place, all concealed wiring, all pipes, chimneys, ducts, and vents are complete.
 - (g) *Final inspection.* The final building inspection is to be made after the building is complete and ready for occupancy.
 - (h) *Electrical*
- (14) *Underground inspection.* The underground inspection is to be made after trenches or ditches have been excavated, conduit or cable installed, and before any backfill is in place.
- (a) *Underslab inspection.* The underslab inspection is to be made after trenches or ditches have been excavated, conduit or cable installed, and before any backfill is in place.
 - (b) *Wall cover inspection.* The wall cover inspection is to be made after all wires, boxes, guards, conduit have been installed and before the installation of any wall membrane.
 - (c) *Ceiling cover inspection.* The ceiling cover inspection is to be made after all wires, boxes, guards, conduit have been installed and before the installation of any ceiling membrane.
 - (d) *Temporary power pole inspection.* The temporary power pole (T-pole) inspection is to be made after the pole has been erected and the meter and all subsequent wiring has been installed and before connection to the provider.
 - (e) *Temporary power inspection.* The temporary power inspection is to be made after the meter and all subsequent wiring has been installed up to the service panel, and at least one GFCI circuit has been installed and before connection to the provider.
- (15) *Plumbing.*
- (a) *Underground inspection.* The plumbing underground inspection is to be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

- (b) *Rough-in inspection.* The plumbing rough-in inspection is to be made after the roof, framing, fire blocking, and bracing is in place and all soil, waste, and vent piping is complete, and prior to this installation of wall or ceiling membranes.
 - (c) *Final inspection.* The final plumbing inspection is to be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
 - (d) *Note.* See state plumbing code for required tests.
- (16) *Mechanical.*
 - (a) *Underground inspection.* The mechanical underground inspection is 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.* The mechanical rough-in inspection is 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) *Wall cover inspection.* The wall cover inspection is to be made after all wires, boxes, guards, conduit have been installed and before the installation of any wall membrane.
 - (d) *Ceiling cover inspection.* The ceiling cover inspection is to be made after all wires, boxes, guards, conduit have been installed and before the installation of any ceiling membrane.
- (17) *Gas.*
 - (a) *Rough piping inspection.* The gas rough-in piping inspection is 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 piping inspection.* The final gas piping inspection is to be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
 - (c) *Wall cover inspection.* The wall cover inspection is to be made after all wires, boxes, guards, conduit have been installed and before the installation of any wall membrane.
 - (d) *Ceiling cover inspection.* ceiling cover inspection is to be made after all wires, boxes, guards, conduit have been installed and before the installation of any ceiling membrane.
- (18) *Energy.*
 - (a) *Foundation inspection.* The energy foundation inspection is to be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.
 - (b) *Frame inspection.* The energy frame inspection is to be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
 - (c) *Final inspection.* The final inspection for energy is to be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances.
 - (d) *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 is given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

- (e) *Reinforcing steel, structural frames, insulation, plumbing, mechanical, or electrical systems.* Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.
- (f) *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.

(19) *Certificates*

Certificate of occupancy.

- (a) *Building occupancy.* 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. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the building official.
- (b) *Issuing certificate of occupancy.* Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems in accordance with the construction codes, 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 the construction codes.
- (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) *Existing building certificate of occupancy.* A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the building official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the construction codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy is issued.
- (e) *Multiphase/level certificate of completion.* Upon satisfactory completion of construction of a multiphase/level structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the construction and life safety codes, and final inspection, the building official shall issue a certificate of completion for the building shell. Each individual unit within, shall be permitted and inspected as a separate unit.
- (f) *Multiphase/level certificate of occupancy.* Upon issuance of a certificate of completion as set forth in subsection (i)(1)e of this section, the building official shall be authorized to issue certificates of occupancy on a floor-by-floor or structure-by-structure basis upon the approval of the building officer. The building officer shall not issue an approval until there has been a preconstruction meeting. A preconstruction meeting shall address safe egress for the occupants and workers, the completion of common spaces, safety of the occupants during the construction phase or phases, a schedule of the work to be completed, parking separation, site access for workers, and all staging areas. Certificates of occupancy shall be issued upon satisfactory completion of construction of a multiphase/level units and installation of electrical, gas, mechanical and plumbing systems in accordance with the construction and life safety codes, and all inspections have been passed.
- (g) *Certificate of completion.* Upon satisfactory completion of a building, structure, electrical, gas, mechanical, or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.

(20) *Service utilities.*

- (a) *Connection.* No person shall make connections from a utility, source of energy, fuel, or power to any building or system which is regulated by the construction codes for which a permit is required, until released by the building official and a certificate of occupancy or completion is issued.
- (b) *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 the purpose of testing building service systems or for use under a temporary certificate of occupancy.
- (c) *Authority to disconnect.* The building official shall have the power to authorize disconnection of utility service to the building, structure, or system regulated by the construction codes, 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 is notified in writing, as soon as practical thereafter.

(21) *Posting floor loads.*

- (a) *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.
- (b) *Storage and factory-industrial occupancies.* It is 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 are 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 is filed as a permanent record of the building department.
- (c) *Signs required.* Signs are 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, are marked on plates or approved design which is 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, are replaced by the owner of the building.

Sec. 105-47. - 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.

Sec. 105-48. - Board of appeals.

- (1) *Powers.* The board of appeals shall have the power, as further defined in subsection (b)(1) in this section, to hear the appeals of decisions and interpretations of the building official and consider variances of the construction codes.
- (2) *Appeals.*
 - (a) *Decision of the 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 board of appeals whenever any one of the following conditions are claimed to exist:
 - (i) 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.
 - (ii) The provisions of the construction codes do not apply to this specific case.
 - (iii) That an equally good or more desirable form of installation can be employed in any specific case.
 - (iv) The true intent and meaning of the construction codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

- (3) *Variances.* The board of appeals, when so appealed to and after a hearing, may vary the application of any provision of the construction codes 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 construction codes or public interest, and also finds all of the following:
- (a) That special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others.
 - (b) That the special conditions and circumstances do not result from the action or inaction of the applicant.
 - (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by the construction codes to other buildings, structures, or service system.
 - (d) That the variance granted is the minimum variance that will made possible the reasonable use of the building, structure, or service system,
 - (e) That the grant of the variance will be in harmony with the general intent and purpose of the construction codes and will not be detrimental to the public health, safety, and general welfare.
 - (f) In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required is commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with the construction codes. Violation of the conditions of a variance is deemed a violation of the construction codes.
- (4) *Notice of appeal.* Notice of appeal is in writing and filed within 30 calendar days after the building official renders the decision. Appeals are in a form acceptable to the building official.
- (5) *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 notice of appeals to a shorter period.
- (6) *Rules and regulations.*
- (a) *Establishment.* The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of these procedures. The board shall meet on call of the chairman. The board shall meet within 60 calendar days after notice of appeal has been received. The date and time of each meeting, as well as agenda items to be considered, is publicized in the same manner as meetings of the Council.
 - (b) *Decisions.* The board of 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 the construction codes, the building official shall immediately take action in accordance with such decision. Every decision is promptly filed in writing in the office of the building official and is open to public inspection. A certified copy of the decision is sent by mail or otherwise to the appellant and a copy is kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board is final, subject to such remedy as any aggrieved party might have at law or in equity.
 - (c) *Meetings and agenda on file.* Copies of all board meeting and agenda shall be files with the Town clerk.

Secs. 105-49—105-69. – Reserved.

ARTICLE III - TRENCHING

Sec. 105-70. - Definitions.

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

Excavation means any manmade cavity or depression in the earth's surface, including its sides, walls, or faces, formed by earth removal and producing unsupported earth conditions as results of the excavation. If installed forms or similar structures reduce the depth to width relationship, an excavation may become a trench.

OSHA means the U.S. Department of Labor, Occupational Safety and Health Administration, or successor agency.

Supervisory personnel means any person who has the responsibility for layout, oversight, superintending, directing, or controlling an excavation or trench.

Trench means a narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of the trench is not greater than 15 feet.

Sec. 105-71 – Prohibition.

No individual, partnership, corporation, or other entity of any kind whatsoever shall engage in any excavation or trenching except in the compliance with the provisions of this article and in compliance with any applicable laws of the state or of the United States or any rules and regulations of the U.S. Department of Labor, Occupational Safety and Health Administration, or any other state or federal governmental entity or department promulgating rules and regulations applicable to excavating and trenching.

Sec. 105-72. - Adoption of federal regulations.

All safety and health regulations adopted by OSHA with regard to excavating and trenching operations, particularly 29 CFR 1926, Excavations, Trenching, and Shoring (29 CFR 1926.650—1926.653), as the same now exists or may be hereafter amended, are adopted as a part of this article the same as if quoted verbatim herein.

Sec. 105-73. - Certificate required.

- (1) No equipment operator or supervisory personnel shall participate in any excavation or trenching or in any way work in an excavation or trench unless such person holds a valid certificate evidencing satisfactory completion of a required educational program on safe trench/excavation practices. No other person shall participate in or work in any excavation or trenching site unless a certificate holder is present at the excavation or trench site where work is being performed.
- (2) In the event any person who holds a valid certificate from the Town is found to be in violation of the safety standards or requirements on any job site, the certificate may be revoked after notice and hearing as herein provided. In the event of revocation, the certificate may be reinstalled one time upon repeat by the person of the educational program required for issuance of the initial certificate.

Sec. 105-74. - Permit required.

- (1) No excavation or trenching is performed until a permit or authorization for same has been obtained from the Town. Any applicant will be required to acknowledge receipt and understanding of safety requirements before any permit will be issued. All such permits are conspicuously posted upon the job site.
- (2) No permit or authorization is issued unless an authorized agent of the applicant holds a certificate.

Sec. 105-75. - Inspection.

The Town shall periodically inspect trench/excavation sites. Such inspectors shall, among other things, verify the presence of the required permit, verify existence of required certificates, and verify compliance to OSHA safety standards adopted in section 105-72. The inspectors may operate pursuant to a contract between the Town and a third-party entity.

Sec. 105-76. - Violations.

The Town shall periodically inspect trench/excavation sites. Such inspectors shall, among other things, verify the presence of the required permit, verify existence of required certificates, and verify compliance to OSHA safety standards adopted in section 105-72 .

Sec. 105-77. - Appeals.

Any individual, partnership, corporation, or other entity whose permit has been suspended or revoked may appeal in a manner consistent with this chapter.

Secs. 105-78—105-99. - Reserved.

ARTICLE IV – PROPERTY MAINTENANCE AND HOUSING STANDARDS

DIVISION 1 - GENERALLY

Sec. 105-100. - Maintenance of proper sanitary conditions on premises required; procedures; enforcement.

- (1) Every person, whether owner, tenant, agent or employee, owning, holding, or occupying property in the Town shall, at all times, maintain the property, whether a vacant lot or otherwise, in a clean and sanitary condition, keeping all weeds cut, wastepaper, trash and other rubbish of every sort cleaned off of the property. Said duty to maintain property in a clean and sanitary condition shall include the duty to cut and remove undergrowth, such as kudzu, briars, weeds in excess of 24 inches in height, honeysuckle, other vines and seedlings, whenever such undergrowth becomes a nuisance, to persons residing in the area or operating businesses in the area. If such undergrowth exists upon an unimproved lot, the planning and zoning director may reduce the extent to which the property must be maintained in such condition, provided there are no imminent threats to public health and safety.
- (2) It is the duty of the community development director or a designee thereof to give five days written notice, by certified mail, return receipt requested, and take reasonable steps to deliver in person to any owner of property or other person violating this section to appear before the Town Council to show cause why these provisions have not been complied with. In addition, the community development director or a designee shall immediately post a notification upon the property in violation of this section in order to provide visual notification to property owners for a period of five consecutive days.
- (3) In lieu of inability to contact owners in other manners prescribed in this section, posted notice shall serve as the official notice for the Town Council hearing on this matter.
- (4) After a hearing, if it is deemed by the Council that this section has not been complied with, such owner or other person is given five days to comply and if he fails or refuses to do so, the public works director shall thereupon cause the work to be done.
- (5) For purposes of giving the notice to the owner of the property, as provided for herein, the person shown as the owner of said property on the ad valorem tax records of the Town are sent such notice at the address shown thereon, unless the Town receives actual notice that another person owns said property that owner is responsible for said violation.
- (6) The Council may, by majority vote, refer any and all cases described in this section to the municipal court, and all hearings heretofore described as being before the Council may be before the municipal court if the Council decides.
- (7) When the public works director has caused weeds to be cut from any premises, or wastepaper, trash, or other rubbish removed, a notice is prepared assessing the cost of the cutting of those weeds, cleaning and rendering sanitary such vacant lot or other property against the owner, tenant, agent, or employee owning, occupying, or controlling the property. The cost of such action is a debtor lien upon the property so cleaned and rendered sanitary and a debt against the owner, tenant, agent, or other party in charge of the property. The debtor lien shall date from the completion of the work on the property as declared under Town Council ordinance.
- (8) A written statement is furnished by the Town clerk to the owner, agent, or other party in charge of the property subject to the assessment provided for herein showing the amount of the assessment. It is the duty of the owner, agent, or other party in charge of the property subject to the assessment to pay the Town within 30 days after the receipt of the statement the entire amount of the assessment against the property and the owner, tenant, agent, or other party in charge of the property.
- (9) Any owner, tenant, agent, or other party in control of property subject to assessment as provided herein who fails or refuses to pay to the Town the amount of such assessment at the expiration of 30 days after the service of the notice of statement provided in this section, the Town clerk shall issue an execution bearing date of its issuance in the name of the Mayor and specifying the purpose for which it is issued against the owner, tenant, agent, or other party in control of the property subject to the assessment and also against the property of the owner, tenant, agent, or other party in control of the property upon which the work in question is performed. The execution shall assert and be a lien against the property from the day of the completion of the performance of the work hereinbefore described and shall bear interest at the rate of one percent per month from the date on which it is issued. For the purposes of this section, any period of less than one month is considered to be one month.

- (10) The execution issued under these provisions are delivered to the Chief of Police or a designee thereof who shall execute the same by levying upon and selling the property described therein or so much thereof as may be necessary for the amount due the Town from the doing of such work, together with all costs that may accrue thereon. The law applicable to the sales under other executions issued by this Town shall apply to the levy, notice, advertisement and sale made under the execution, and the levying officer shall have authority to execute a deed to the purchaser when the property is sold and shall deliver the possession thereof to the purchaser within the time required by law as under tax executions.

Sec. 105-101. - Overcrowding prohibited.

Bedroom requirements.

- (1) *Area for sleeping purposes.* Every bedroom occupied by one occupant shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one occupant shall contain at least 50 square feet of floor area for each occupant thereof.
- (2) *Prohibited occupancy.* Kitchens and uninhabitable spaces shall not be used for sleeping purposes.

Overcrowding specifications

- (1) *Number of occupants.* Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of table 1 as follows:

**TABLE 1
MINIMUM OCCUPANCY AREA REQUIREMENTS**

Space	Minimum Area in Square Feet		
	<i>1-2 Occupants</i>	<i>3-5 Occupants</i>	<i>6 or More Occupants</i>
Living Room ^{a,b}	No Requirements	120	150
Dining Room ^{a,b}	No Requirements	80	100
Kitchen ^b	50	50	60
Bedrooms	Shall comply with section 105-101(a)		

Notes: ^aSee subsection (b)(3) of this section for combined living room/dining room spaces.

^bSee subsection (b)(1) of this section for limitations on determining minimum occupancy area for sleeping purposes.

- (2) *Sleeping area.* The minimum occupancy area required by table 1 shall not be included as sleeping area in determining minimum occupancy area for sleeping purposes. All sleeping areas shall comply with section 105-101(a).
- (3) *Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of table 1 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.
- (4) *Exception.* Nothing in this section shall prohibit an efficiency dwelling unit meeting the following requirements:
- (a) An efficiency unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. An efficiency unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas are exclusive of the areas required by subsection (b) of this section.
 - (b) The unit is provided with a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
 - (c) The unit is provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
 - (d) The maximum number of occupants is three.

Sec. 105-102 – Electrified fences.

The maintenance of any electrical fence, or wire or wires used as a fence through which an electric current is transmitted, is expressly prohibited. Any violation of this section will be punished as misdemeanor.

(Ord. of 11-15-1973).

Secs. 105-103—105-117. - Reserved.

DIVISION 2 – MULTI-FAMILY RENTAL HOUSING

Sec. 105-118. - Definitions.

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

Certified building inspector means any person inspecting for compliance with the various adopted codes who is a licensed design professional (architect or engineer) or holds one of the following certifications from SBCCI (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.

Certified private hydrant contractor means any person inspecting for compliance with the various adopted codes who is an approved (by the Town of Trion Fire Marshal's office) private hydrant contractor.

Code of compliance certificate means a certificate, substantially similar to exhibit A attached to the ordinance from which this division is derived and incorporated herein, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report attached thereto.

Inspection report means the report attached to the code compliance certificate describing minimum requirements for inspection of each unit.

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

Multifamily rental dwelling means any multifamily structure, multifamily building, or other facility promised and/or leased to a residential tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, rooming houses, group homes, and flats.

Multifamily rental unit means any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease, or under terms of joint and severable liability.

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

Owner means any person, agent, firm, or corporation having a legal or equitable interest in a premises.

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

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

Sec. 105-119. - Fee and certificate required.

Occupation tax. All owners of multifamily rental dwellings or multifamily rental units within the Town that receive income for use of four or more such dwellings or units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the Town (i) shall be subject to an occupation tax as provided in this division and (ii) shall provide to the Town, prior to September 1, 2012, a code compliance certificate covering 100 percent of the multifamily rental units within the 12-month period immediately preceding the date of the certification. Said code compliance certificate shall be certified by the owner that all units inspected are in compliance with those standards contained in the code compliance certificate and inspection report. For the initial year of construction, this section shall not apply to new construction or rehabilitation of a multifamily rental dwelling provided proper permits are obtained from the Town.

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

Compliance certificate. After submission of the initial code compliance certificate, each owner shall submit a code compliance certificate annually, commencing on January 1, 2013, with their business license renewal. Such subsequent code compliance certificate shall cover at least 20 percent of the units, provided all units shall be inspected, at a minimum, every five years. All units inspected shall be listed individually on the code compliance certificate submitted to the Town by the certified building inspector. Furthermore, exterior inspections shall cover at least 20 percent of the buildings, provided all buildings shall be inspected, at a minimum, every five years. All units inspected shall be listed individually and submitted to the Town by the certified building inspector.

Written record of inspection. Furthermore, each owner and certified building inspector shall keep a written record of all inspections for each unit including the date of the inspection, items inspected and all violations, if any, observed. Such records shall be presented to the Town within ten business days after such request is made in writing to the inspector. Failure to provide such records shall nullify the code compliance certificate for those units.

Fire hydrant inspection and compliance certificate. Upon initial inspection of hydrants/mains, should a certified private hydrant contractor determine that farther work is necessary to comply with the minimum standards adopted by the Town and state, an acceptable plan of correction shall be submitted to the fire marshal outlining the time and scope of work necessary to bring hydrants/mains into compliance. Any such units without a properly functioning fire hydrant within 1,000 feet (or closet hydrant at the time of adoption of this ordinance) of the unit shall not be leased until hydrant(s) and or main(s) are brought into compliance.

- (1) After submission of the initial hydrant/main code compliance certificate, each owner shall submit a hydrant/main code compliance certificate annually, commencing on January 1, 2010, with their business license renewal. Such subsequent hydrant/main code compliance shall cover 100 percent of all private hydrants and water mains connected to fire hydrants for their property. All hydrants and mains shall be listed individually on a document attached to the hydrant/main code compliance certificate submitted to the Town by the certified private hydrant contractor.
- (2) Furthermore, each owner and certified private hydrant contractor shall keep a written record of all inspections for each hydrant and main including the date of the inspection, items inspected and all violations, if any observed. Such records shall be presented to the Town within ten business days after such request is made in writing to the inspector or property owner. Failure to provide such records shall nullify the hydrant/main code compliance certificate for the affected units.

Sec. 105-120. - Failure to provide code compliance certificate

- (1) Failure to provide the code compliance certificate as provided herein shall be a violation of this division and is subject to those penalties contained herein and in section 1-10.
- (2) Further, said failure, upon a judicial determination, shall be a condition constituting probable cause, and may subject said multifamily rental dwelling or multifamily rental units to inspection by the Town building official and/or the Town fire marshal at a fee as determined by the Town Council that covers all costs of such inspection by the Town. Said inspection by the Town, if required, shall be at a sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises as provided for collection of taxes.
- (3) Failure to pay the occupational tax as provided herein shall be a violation of this division and is subject to those penalties set forth in this division. Nothing contained in this section shall prevent the Town from enforcement of the state minimum standard codes as provided in this chapter.

Sec. 105-121. - Penalty for false certification and false inspection.

- (1) An owner who knowingly participates in furnishing a code compliance certificate to the Town which contains a false certification that all multifamily rental dwellings or multifamily rental units inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this Code for each multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false and can be

fined up to \$1,000.00, or imprisoned for up to one year, or any combination of these, by the court for each violation.

- (2) ***A certified building inspector or a private hydrant contractor who furnishes an inspection report which knowingly contains fraudulent information that a multifamily rental dwelling or multifamily rental unit meets the minimum housing standards or fire hydrant standards of the Town as shown by the inspection report contained in exhibit A of the ordinance from which this division is derived shall be guilty of a violation of this Code and can be fined up to \$1,000.00, or imprisoned for up to one year, or any combination of these, by the court for each violation. In addition, a private hydrant contractor or a building inspector's right to submit inspection reports to the Town may be suspended for a stated period of time, up to five years, by resolution of the Town Council.***

Sec. 105-122, Division III- Minimum Health and Safety Standards for Pre-Owned Manufactured and Mobile Homes

The General Assembly of the State of Georgia has declared that a Town shall not impose any health or safety standards or conditions based upon the age of a manufactured home; under authority of the Constitution of the State of Georgia and O.C.G.A. § 8-2-170 et seq., a county may establish standards, conditions, and an inspection program for pre-owned manufactured homes which are relocated; and, promotion and maintenance of property values within the jurisdiction and the health and general welfare of the citizens of the Town of Trion are furthered when standards for the condition of structures, including pre-owned manufactured homes, are established and enforced.

The following words, terms, or phrases, when used in this ordinance, shall have the meanings ascribed to them in this section.

- (1) *Applicant* means any person seeking to install a pre-owned manufactured home in the incorporated area of the Town of Trion.
- (2) *Building Inspector* means the person appointed, employed, or otherwise designated as the director of planning, permits, and inspections; the Town building official or any of his or her assistants.
- (3) *Certificate of occupancy* means a document issued by the building inspector certifying that a pre-owned manufacturer home is in compliance with applicable requirements set forth by this ordinance, and indicating it to be in a condition suitable for residential occupancy.
- (4) *Guarantee of Condition Bond* means a surety bond to guarantee that the affidavit and photographs required by paragraphs (1) and (2) subsection (a) of Section 3 of this ordinance reasonably portray or represents the existing conditions of the pre-owned manufactured home proposed for relocation. In lieu of the bond, a cash deposit may be deposited with the County.
- (5) *Install* means to contrast a foundation system and to place or erect a manufacturer home on such foundation system. Such term included, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple expandable sections of such manufactured home.
- (6) *Jurisdiction* means the Town of Trion.
- (7) *Manufactured home* means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.
- (8) *Pre-owned manufactured home* means any manufactured home that has been previously used as a residential dwelling and has been titled

All pre-owned manufactured homes located in the jurisdiction shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq (the HUD code) and shall be installed in accordance with O.C.G.A § 8-2-160 et seq.

A permit shall be required to locate a pre-owned manufactured home in the jurisdiction. All permits shall be issued within thirty (30) days of receipt of all items listed in subsections (a)(1)-(4) of this section.

- (1) Permit. To obtain a permit, applicants shall provide to the building inspector:
 - (a) An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this Act
 - (b) Photographs of the interior and exterior of the pre-owned manufactured home providing evidence that home meets the minimum health and safety standards of Section 4 of this ordinance;
 - (c) A \$1,000.00 refundable guarantee of condition bond or \$1,000.00 refundable cash deposit; and
 - (d) The permit and inspection fee required by subsection (d) of this Section.
- (2) Inspection. Upon receipt of a permit, Applicants may relocate the manufactured home on a residential site for the purposes of inspection. Applicant shall arrange for an inspection to be held once the installation of the manufactured home is complete.
- (3) Certificate of Occupancy. A certificate of occupancy shall be issued to the Applicant at such time that the building inspector certifies that the requirements of this ordinance have been met.
- (4) Fee. A permit and inspection fee of \$150.00 shall be charged to the applicant to cover the cost to the Town to process the permit application and inspect the pre-owned manufactured home. Such fee shall cover the initial inspection and one follow-up inspection that may be necessary.
- (5) Alternative Inspection. The request of the Applicant, the building inspector may, at his or her discretion, inspect a pre-owned manufactured home prior to its being relocated if the home is then located at another site within the county.

All pre-owned manufactured homes shall comply with the following before being issued a certificate of occupancy by the building inspector.

- (1) HUD Code. Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.
- (2) Interior Condition. Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, and deterioration.
- (3) Exterior Condition. The exterior of all pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
- (4) Sanitary Facilities. Every plumbing fixture, water and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall; be checked upon being connected to ensure they are in good working condition.
- (5) Heating Systems. Heating shall be safe and in working condition. Un-vented heaters shall be prohibited.
- (6) Electrical Systems. Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded.
- (7) Hot Water Supply. Each home shall contain a water heater in safe and working condition.
- (8) Egress Windows. Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.

- (9) Ventilation. The kitchen in the home shall have at least one operating window or other ventilation device
- (10) Smoke Detectors. Each pre-owned manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.

Enforcement

- (1) Permanent connection to utilities shall not be approved until the building inspector has issued a certificate of occupancy.
- (2) Owners of pre-owned manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the home from the jurisdiction at their own expense
- (3) The guarantee of condition bond or cash deposit will be forfeited after 90 days from the date of inspection, unless all conditions and standards are met prior to the end of the 90 days or an extension has been issued in writing by the building inspector.

Failure to remove a pre-owned manufactured home from the jurisdiction upon failure to receive a certificate of occupancy shall be punishable by a fine of \$1,000.00. Each day any violation under this ordinance continues shall be considered a separate offense.

All ordinances or parts of ordinances in conflict with this ordinance are repealed, except that nothing in this ordinance shall be construed to permit the location of manufactured homes in areas where they are not authorized by applicable zoning and land use regulations. All other provisions of the zoning and pre-existing ordinances involving manufactured and mobile homes shall remain in full force and effect.

Should any provision of this ordinance be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the Mayor and Town Council.