

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. OR17-444

AN ORDINANCE TO AMEND CHAPTER 8.08 - BUILDINGS AND BUILDING REGULATIONS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

**WHEREAS**, the governing authority of the City of Stockbridge, Georgia desires to to amend Chapter 8.08 - Buildings and Building Regulations; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

**Section 1.** That Chapter 8.08 of the Stockbridge Municipal Code is hereby amended by deleting said Chapter in its entirety and replacing it with the new Chapter 8.08 attached hereto as Exhibit A.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of

the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** Penalties in effect for violations of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 6.** The effective date of this Ordinance shall be the date of adoption.

ORDAINED this 24th day of October, 2017.

**CITY OF STOCKBRIDGE, GEORGIA**

Judy Neal  
Judy Neal, Mayor

ATTEST:

Vanessa Holiday  
Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Michael Williams  
Michael Williams, City Attorney

Date Presented to Mayor: 10-26-2017

Date Received from Mayor: 10-29-2017

**EXHIBIT A**

# Chapter 8.08 - BUILDINGS AND BUILDING REGULATIONS

## ARTICLE I. - IN GENERAL

### Sec. 8.08.010 - Administration and enforcement.

- A. The building safety division (BSD) is hereby created and shall serve as a division of and under the direction of the Director of Community Development. The Director of Community Development shall appoint the manager of the building safety division (BSD). The building safety division manager in conjunction with the Director of Community Development shall designate the building official.
- B. The building safety division (BSD) is hereby authorized and directed to enforce the provisions of Chapter 8.08. Division personnel shall include the building safety division manager, building official, plans examiners, inspectors, and other individuals, as directed by the director of planning, zoning, and economic development. The building safety division (BSD) shall have the authority to render interpretations of the adopted codes and to adopt policies and procedures to clarify the application of its provision. Such interpretations, policies and procedures shall be compliant with the intent and purpose of the City Codes and shall not have the effect of waiving requirements specifically provided for in the adopted codes.
- C. The BSD personnel, code enforcement personnel or other legal officers as may be designated by the Director of Community Development, shall be responsible for the issuance of notices, orders and citations to ensure compliance with this article and adopted codes.
- D. An officer or employee connected with the department, except one whose only connection is as a member of the Construction Board of Adjustment and Appeal, 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.
- E. Any officer or employee, or member of the Construction 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/herself 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/her duties. Any suit brought against any officer or employee or member because of such act performed by him/her in the enforcement of any provision of the construction codes shall be defended by the governing jurisdiction until the final termination of the proceedings.
- F. The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection pursuant to the provisions of the Georgia Open Records Act.
- G. The Building Official shall submit a report each year covering the work of the Building Department during the preceding year. He/she may incorporate in said report a summary of the decisions of the Construction Board of Appeals during said year.
- H. Right of Entry
  - 1) 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.

- 2) 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.
- I. When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law 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.
- J. 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.
- K. 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, shall be determined by the Building Official.
- L. 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. 8.08.011 - Permits.**

- A. Permit required.
  1. Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing or fire sprinkler 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 Community Services Department.
  2. All city projects, where such work is governed by the construction codes, shall be subject to the permitting, plan review, and inspection procedures set out in this article unless otherwise approved by the Director of Community Services, his or her designee, and the fire marshal.

3. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work as set forth in the specifications filed with the application for the permit. Where these are not covered by the specifications submitted with the application, separate permits shall be required.
4. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Exemptions shall not include the cutting away of any wall cover, wall partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety. Permits shall not be required for the following:
  - a) Building:
    - 1) Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or IIIA liquids.
    - 2) Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
    - 3) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
    - 4) Prefabricated swimming pools accessory to a group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.
    - 5) Swings and other playground equipment accessory to detached one- and two-family dwellings.
    - 6) Window awnings in group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
    - 7) Non-fixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.
  - b) Electrical:
    - 1) Minor repair work, such as the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
    - 2) The provisions of this Code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
    - 3) A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
  - c) Gas:
    - 1) Portable heating appliance.
    - 2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
    - 3) Mechanical:
      - 4) Portable heating appliance.
      - 5) Portable ventilation equipment.
      - 6) Portable cooling unit.
      - 7) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.

- 8) Replacement of any part that does not alter its approval or make it unsafe.
- 9) Portable evaporative cooler.
- d) Plumbing:
  - 1) The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Code.
  - 2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- 5. Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.
- 6. Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.
- 7. An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing for the permit, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for periods of not more than 30 days each may be granted provided the extension is requested in writing and justifiable cause is demonstrated.
- B. Contents of Application.
  - 1. Each application for a permit, with the required fee, shall be filed with the community development department on a permit application form furnished for that purpose and shall include the following:
    - a) A general description of the proposed work and its location.
    - b) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitively locate the proposed building or work.
    - c) The proposed use occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structures.
    - d) Be accompanied by the submittal documents and other information as required.
    - e) State the valuation of the proposed work.
    - f) Be signed by the owner or his/her authorized agent.
    - g) Be signed by the applicant, or the applicant's authorized agent.
    - h) Such other data and information as may be required by the building safety department.
  - 2. Submittal documents.
    - a) Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. An electronic copy of all submittal documents shall accompany each permit application.
    - b) Where required by state law or where special conditions exist, the building official is authorized to require construction documents to be prepared by a registered design professional. When necessary, the building safety division shall require detail, 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 community development department are to be prepared by an architect or engineer, legally registered under the laws of this state regulating the practice of architecture or engineering,

who shall be affixed with his/her official seal to said drawings, specifications and accompanying data.

The following occupancy groups shall always require, without exception, the official seal of a state licensed architect or engineer to said drawings, specifications, and accompanying data, for the following:

- 1) All Group A, E, and I occupancies.
  - 2) Buildings and structures three stories or more high.
  - 3) Buildings and structures 5,000 square feet (465 m<sup>2</sup>) or more in area
- c) The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.
  - d) Construction documents shall be minimum size of 24 inches by 36 inches, dimensioned and drawn to engineer or architect scale upon suitable paper unless otherwise approved by the building official. Text shall be legible and no smaller than eight-point text.
  - e) Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and relevant laws, ordinances, rules and regulations, as determined by the building official. 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 signatures of the person responsible for the design.
  - f) Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this Code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in the adopted codes. Drawings for all buildings shall indicate, at minimum, how required structural and fire-resistance integrity will be maintained where penetration of a required fire-resistance wall, floor or partition will be made for electrical, gas, mechanical, plumbing, signal and communication codes, 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) The construction document shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this Code. In other than occupancies in groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
  - h) Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the adopted codes. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the

exterior wall system which was tested, where applicable, as well as the test procedure used.

- i) The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted. The building safety division may require a boundary line survey prepared by a licensed surveyor.
- j) Where design flood elevations are not specified, they shall be established in accordance [with] the adopted codes.

C. Examination of documents.

1. The community development department 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.
2. No reviews by department staff shall be commenced without the required fees being paid.
3. The community development department 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 community development department 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 community development department relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with the provisions of the construction codes and other pertinent laws or ordinances.
4. This city shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this Code and has not been abandoned.
5. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this Code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

6. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
  7. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.
  8. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.
  9. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.
  10. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.
  11. One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.
  12. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.
- M. Issuing of permits.
1. The department shall act upon an application for a permit without unreasonable or unnecessary delay. If the department is satisfied that the work described in an application for permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, it shall issue a permit to the applicant.
  2. 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 safety division will not issue a permit, but shall return the contract documents to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.
  3. It shall be 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 and local rules and regulations concerning licenses which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state

license before they are permitted to perform work, the contractor shall supply the local government with a copy of their state license before receiving a permit for work to be performed.

N. Conditions of permit.

1. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the construction codes, nor shall issuance of a permit prevent the community development department 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 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the last scheduled and passed inspection. One or more extensions of time, for periods not more than 30 days each, may be granted by the building official. The extension shall be requested in writing and justifiable cause demonstrated. Extensions, if granted, shall be in writing.
2. 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 city, are hazardous or complex, the community development department shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed and, upon completion, make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official.
3. When the city issues a permit, it shall enforce, in writing or by stamp, both sets of plans "reviewed for code compliance." The community development department shall retain one set of drawings so reviewed and the other set shall be returned to the applicant.
4. The permitted drawings, associated inspection reports, and all other written communication shall be kept at the site of work and shall be open to inspection by the city.
5. The building permit or permit card shall be kept at the site, protected from the weather and visible to the right-of-way.

O. Fees.

1. A permit shall not be issued until the fees prescribed by the governing body have been paid. No amendment to a permit shall 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, etc., has been paid.
2. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing, etc., system before obtaining the necessary permits, shall be subject to penalty fees in accordance with the fee schedules as set by the mayor/council.
3. All work commenced without permits shall be subject to removal at the expense of the property owner.
4. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedules as set by the governing body.
5. If, in the opinion of the City, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed

estimates to meet the approval of the city. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. Final building permit valuation shall be set by the building official.

6. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.
  7. The building official is authorized to establish a refund policy.
- P. Inspections.
1. Construction or work for which a permit is required shall be subject to inspection by the building safety division and such construction or work shall remain accessible and exposed for inspection purposes until approved.
  2. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid.
  3. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
  4. Before issuing a permit, the City may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for permit to enlarge, alter, repair, move, demolish, install, or change the occupancy.
  5. The City shall inspect or cause to be inspected at various intervals all construction or work for which permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion. Required inspections shall include at minimum:
    - a) Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
    - b) Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
    - c) In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification shall be submitted to the building official.
    - d) Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
    - e) Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished. Exception: Gypsum board that is not part of a fire resistance-rated assembly or a shear assembly.
    - f) Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.
    - g) Inspections shall be made to determine compliance with the adopted energy compliance code and shall include, but not be limited to, inspections for: envelope

insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.

- h) In addition to the inspections specified, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Code and other laws that are enforced by the department of building safety.
  - i) For special inspections, see Chapter 17 of the International Building Code.
  - j) The final inspection shall be made after all work required by the building permit is completed.
  - k) If located in a flood hazard area, documentation of the elevation of the lowest floor shall be submitted to the building official prior to the final inspection.
- 6. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.
  - 7. It shall be the duty of the permit holder to notify the building safety division when work is ready for inspection. Failure to request and pass all required inspections during the timeframe the permit is active shall be a violation of the code and the owner, lessee, occupant, authorized agent or contractor who allowed or caused to be performed any such work governed by the construction codes for which a permit was required, shall be jointly and severally liable. It shall be the duty of the permit holder to provide safe access to and means for inspections of such work that are required by this Code.
  - 8. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official.
  - 9. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.
- Q. Certificates.
- 1. 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 city 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 city. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction.
    - a) Certificates of occupancy are not required for work exempt from permits under this article.
  - 2. 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 city shall issue a certificate of occupancy. The certificate shall contain the following:
    - a) The permit number.
    - b) The address of the structure.
    - c) The name and address of the owner.
    - d) A description of that portion of the structure for which the certificate is issued.
    - e) A statement that the described portion of the structure has been inspected for compliance with the requirements of this Code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
    - f) The name of the building official, and when required the name of the fire marshal.
    - g) The edition of the code under which the permit was issued.
    - h) The use and occupancy, in accordance with the provisions of the adopted code.

- i) The type of construction as defined in the adopted code.
  - j) The design occupant load.
  - k) If an automatic sprinkler system is provided, whether the sprinkler system is required.
  - l) Any special stipulations and conditions of the building permit.
3. A temporary/partial certificate of occupancy may be issued to a portion of a building, which may safely be occupied prior to final completion of the building. The Community Development Director shall set a time period during which the temporary certificate of occupancy is valid and any other conditions as required by the policies of the department. A temporary certificate of occupancy shall be valid for no more than 30 days. The fee for a temporary certificate of occupancy shall be equivalent to one-half of the building permit fee.
  4. 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 city, 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 shall be issued.
  5. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Code wherever the certificate is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code.
  6. Upon satisfactory completion of building, structure, electrical, gas, mechanical or plumbing systems, 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.
  7. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.
    - a) A certificate of occupancy shall not be issued until the floor load signs have been installed.
    - b) It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this Code.
- R. Revocation of permits.
1. Permits may be revoked for any of the following:
    - a) The city 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; or
    - b) The city may revoke a permit upon determination by the city 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.

- c) When the City hasn't received proper payment or a check has been returned due to insufficient funds.
- S. Service utilities.
1. 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 city and a certificate of occupancy or completion is issued.
  2. The city 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.
  3. The city shall have the power to authorize disconnection of utility services 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 city shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

### **Sec. 8.08.012 - Appeals.**

- A. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed. The city officials and mayor/council shall have no authority to waive requirements of the adopted codes.
- B. Any person aggrieved by any decision or action of the City with regard to the technical codes adopted in this chapter may file an appeal of such decision or action with the Zoning Advisory Board, as constituted and established by the mayor and council, which body shall exercise the powers and perform the duties of the boards of adjustments and appeals established by such codes. Appeals from decisions of the Zoning Advisory Board may be taken by either party to the mayor and council.
- C. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building safety division to the Community Development Director.
- D. The owner of a building, structure or service system, or his duly authorized agent, may subsequently appeal the upheld decision of the building safety division by the Community Development Director to the Zoning Advisory Board, as constituted and established by the Mayor and Council, which body shall exercise the powers and perform the duties of the boards of Adjustment and Appeals established by such Codes. Appeals from decisions of the Zoning Advisory Board may be taken by either party to the Mayor and Council. The Mayor and Council, when so appealed to and after a hearing, may vary the application of any provision of the 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 appeal 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 appeal granted is the minimum that will make possible the reasonable use of the building, structure or service system;
  - e) That the grant of the appeal will be in harmony with the general intent and purpose of the codes and will not be detrimental to the public health, safety and general welfare;
  - f) In granting the appeal, the mayor/council may prescribe a reasonable time limit within which the action shall be commenced or completed or both. In addition, the mayor/council may prescribe appropriate conditions and safeguards in conformity with the codes. Violation of the conditions of an appeal shall be deemed a violation of the codes.
- E. Notice of appeal of decisions of the community development department shall be in writing and filed within 20 calendar days after the department renders its decision. Appeals shall be in a form acceptable to the community development department.
- F. In the case of a building, structure, or service system, which, in the opinion of the community development department, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such notice of appeals to a shorter period.

**Sec. 8.08.013 - Permit required to move building; fees; issuance; applicant's bond.**

- A. No person, without having obtained a permit therefore, shall move any house, dwelling, apartment building or other similar structure from within the city to a point outside the city, from a point outside the city to a point within the city or from a point outside the city through the city to another point outside the city. No person shall be issued a permit to move any house, dwelling, apartment building or other similar structure in the city or into the city, from the city to a point outside the city or through the city, until he/she has paid a permit fee as set forth in the schedule of fees and charges.
- B. Where application for a permit to move a structure as defined in subsection (a) of this section has been filed and the requisite permit fee paid, and where all applicable ordinances of the city have been complied with, the community development department shall be authorized to issue a permit to the applicant.
- C. No permit to move a structure as defined in subsection (a) of this section shall be issued until the applicant shall post with the city clerk a cash bond in the amount of \$1,000.00; such cash bond to be returned to the applicant after the permitted structure has been moved and the applicant has placed the premises or location in the condition as required by this article. If the permit holder shall fail to comply with such requirements, the cash bond shall apply to the cost of the city performing such work as required.

**Sec. 8.08.014 - Adoption of fee schedule.**

A schedule of rates, fees and charges for permits, inspections and other services rendered by the City is hereby adopted. The intent of this section is to provide a single fee schedule and to remove from the current Code, various references to fees, rates and charges in order that a unified fee schedule may be published by the city, with the approval of the mayor/council. Such rates, fees, and charges shall be determined from time to time by the mayor/council and set forth in such schedule of rates, fees and charges, an official copy of which shall be on file in the office of the city clerk.

**Sec. 8.08.015 - Violations.**

- A. Any person, firm, corporation, owner, agent or tenant who violates a provision of this article or the adopted codes, or fails to comply therewith, or with any of the requirements thereof, or erect, construct, alter, install, demolish or move any

structure, electrical, gas, mechanical or plumbing system, or violates a detailed statement or drawing submitted and permitted thereunder, or causes same to be done, shall be guilty of a misdemeanor.

1. Notice of violation.

- a) *Issuance.* Where the BSD finds work or conditions at or on any buildings, premises or structures, or electrical, gas, mechanical or plumbing system that is being performed contrary or maintained contrary to the provisions of the construction codes or in a dangerous or unsafe manner, the BSD is authorized to issue corrective orders.
- b) *Notice.* Wherever the BSD determines violations of this Code or observes an apparent or actual violation of a provision of this Code or other codes or ordinances under the building official's jurisdiction, the BSD is authorized to prepare a written notice of violation, describing the violations, or conditions deemed unsafe or unlawful and, where compliance is not immediate, specifying a time for re-inspection. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- c) *Service.* Any order or notice issued pursuant to this Code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both. Routinely issued inspection field reports, correction notices, and orders associated with active permits, and of a routine and non-emergent nature, shall not be required to be mailed to the owner, occupant or both, but shall remain posted on site with the permit and permit card.
- d) *Compliance with orders and notices.* Orders and notices issued or served as provided by this Code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains.
- e) *Unlawful continuance.* Any person, firm, corporation, owner, agent or tenant who shall continue any work in or about the structure after having been served with an order or notice, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.
- f) *Failure to comply.* Failure to comply with an abatement notice or other corrective notice issued by the BSD shall result in each day that such violation continues being regarded as a new and separate offense.
- g) *Failure to correct violations.* If the notice of violation is not complied with, the BSD personnel, fire marshal or other legal officers as may be designated by the director of planning, zoning and economic development are authorized to issue citations and request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of any order or direction made pursuant thereto.
- h) *Unauthorized tampering.* Signs, tags or seals posted or affixed by the BSD personnel, fire marshal or other legal officers shall not be mutilated, destroyed or tampered with or removed without authorization from the BSD.

2. Stop work order and emergencies.

- a) *Issuance.* Upon notice from the BSD personnel, fire marshal or other legal officers as may be designated by the director of planning, zoning and economic development, that any work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. For unattended or abandoned locations, a copy of such stop work order shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and a copy of the order shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both. The notice shall state the conditions under which work is authorized to resume.
- b) *Emergencies.* Where an emergency exists, the BSD personnel, fire marshal or other legal officers as may be designated by the director of planning, zoning and economic development shall not be required to give a written notice prior to stopping the work or requiring the immediate abatement of a threat to life safety.
- c) *Unlawful continuance.* Any person, firm, corporation, owner, agent or tenant, who shall continue any work in or about the structure 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 subject to penalties as prescribed by law.

3. Citations.

a) Contents of Citation.

- 1) The citation shall name as respondent(s) the person or persons alleged responsible for the creation or maintenance of the violation. Where the violation involves a condition or activity existing upon private property, the owner(s) of such property, and any interested party shall also be named as a respondent. For purposes of this article, "owner of private property" shall mean the holder of the title in fee simple and holder of every mortgage, deed to secure debt, lien or judgment, as recorded in the title records of the county. "Interested party" shall mean an interested party as defined in O.C.G.A. § 48-4-77 and persons in possession of said property and premises.
- 2) The citation shall plead with specificity all facts necessary to show the existence and location of the alleged violation and its duration or frequency of reoccurrence.
- 3) The citation shall contain the specific date and time of the hearing before the municipal court, which hearing shall occur at least 14 days after issuance of the citation, or in the case of emergencies or issues of life safety, the hearing may occur sooner.

b) Service of Citation.

- 1) A copy of the citation shall be served in one of the following ways:
  - i. Personal service upon each respondent who is a resident of the city. Service shall be perfected at least ten days prior to the date of hearing. If personal service cannot be perfected, service of the citation shall be made utilizing the method set out in subparagraph (ii), (iii), and (iv) as applicable.
  - ii. At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint shall also be mailed by first-class mail to the property

address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of the filing of the complaint and at least 14 days prior to the date of the hearing. It is hereby declared a violation of this section to deface, destroy or remove a posted notice on the property, and violation of this section shall subject the violator to penalties pursuant to Section 1.04.080 of the Stockbridge Municipal Code.

- iii. For interested parties whose mailing address is unknown, a notice of the date, time and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in the county once a week for two consecutive weeks prior to the hearing.
  - iv. In the event a party is a minor, estate, an incompetent person, or person laboring under disabilities, the guardian or personal representative of such person shall be served. If such person has no guardian or personal representative, service shall be perfected upon the probate judge of the county of residence, who shall appoint a guardian ad litem for such person.
- 2) Personal service under this article may be perfected by the building safety division manager, building official, fire marshal or other legal officers as may be designated by the director of planning, zoning and economic development and/or a law enforcement officer of the city.
  - 3) Proof of service shall be filed with the clerk of the municipal court prior to the date of hearing.
  - 4) For unfit dwellings, buildings or structures, a notice of lis pendens shall be filed in the office of the clerk of superior court in the county at the time of filing the complaint in municipal court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
  - 5) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this article on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

## **Sec. 8.08.016 - Trial procedure; appeal.**

### **A. Trial procedure.**

1. The burden at trial shall be upon the city to prove the existence of a violation by a preponderance of the evidence. A written finding by any governmental official, code enforcement officer, public health officer, fire inspector, life safety inspector, or BSD personnel, based upon physical inspection, that real property or a structure or condition existing upon real property is a health, safety, or environmental hazard shall constitute prima-facie evidence that such property, structure, or condition constitutes a violation. In addition to any penalties available pursuant to Section 1.04.080 of the Stockbridge Municipal Code.
2. Upon finding that a violation does exist, the court shall issue an order to the violator and/or the owner, the agent in control of or tenant in possession of the property stating that a violation has been found to exist and that the violation must be abated within so many hours or days as the judge may deem reasonable, having considered the nature of the violation and its effect on the public. The municipal court is empowered to enforce its judgments by contempt.

- B. Appeal. Any final judgment entered by the municipal court under this article is subject to review by certiorari in the superior court of the county, upon application filed within 30 days of the service of said order upon the respondent(s).

### **Sec. 8.08.017 - Penalties.**

It is hereby declared that any person, firm, corporation, owner, agent or tenant who violates a provision of this article or the codes, or fails 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 violates a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person, firm, corporation, owner, agent or tenant shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article or the construction codes is committed or continued, and upon conviction of any such violation such person shall be punished pursuant to the penalties set forth in Section 1.04.080 of the Stockbridge Municipal Code as well as abatement pursuant to section 8.08.018, abatement of violation.

### **Sec. 8.08.018 - Abatement by the city.**

- A. The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.
1. In any case where the violator and/or owner, agent or tenant fails to abate the violation within the time specified by the building safety division, other designated officer, or the court, or where the violator and/or owner, agent or tenant cannot be served with notice, or where the nature of the violation is such, in the opinion of the judge, that it must be immediately abated, the judge may issue an order to the chief of police, fire chief, building official, or code enforcement official directing the nuisance to be abated. The chief of police, fire chief, building official, or code enforcement official, in such case, shall keep a record of the expenses and costs of abating the violation, and the costs shall be billed against the violator and/or owner, agent or tenant for collection as for city revenues. The total expense, including administrative costs, incurred by the city in abating violations under this article shall constitute a lien upon the property upon which the violation was abated.
  2. When a violation is of such magnitude or degree that city equipment and personnel cannot safely or completely abate it, the city may contract with a private contractor to abate the violation on the city's behalf.
  3. City officers, employees, or any city contractor shall have the right of entry upon real property and shall be immune from prosecution, civil or criminal, for trespass upon real property while in the discharge of their duties in removing or abating any violation under this article.

### **Sec. 8.08.019 - Violation per se, exceptions; summary abatement.**

Nothing contained in this article shall prevent the city manager from summarily and without notice ordering the abatement of or abating any violation that is a violation per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

## **Sec. 8.08.020 - Article cumulative.**

The provisions of this article are to be cumulative to any other provisions of this Code. Further, the mere fact that a property condition is lawful under any other law or ordinance provision shall not authorize the maintenance of any condition declared a violation by this article. Similarly, the mere fact that a property condition does not constitute a violation under this article shall not authorize the maintenance of any conditions that violate any other law or ordinance.

**Secs. 8.08.021 - 8.08.025 – Reserved.**

## **ARTICLE II. – CONSTRUCTION CODES AND STANDARDS— DEFINITIONS, AMENDMENTS AND EXCEPTIONS**

### **Sec. 8.08.026 - State minimum standard codes adopted.**

- A. The purpose of this section 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.
- B. The following technical building and construction codes, and any amendments or revisions of the following codes hereinafter approved and adopted by the state department of community affairs pursuant to O.C.G.A. § 8-2-23, as said Section is now written and as it may be amended, are adopted and incorporated by reference and may be amended for later editions as defined by the Georgia Uniform Codes Act, O.C.G.A. § 8-2-20(9):
  - 1) Georgia State Minimum Standard Building Code (International Building Code);
  - 2) Georgia State Minimum Standard Mechanical Code (International Mechanical Code);
  - 3) Georgia State Minimum Standard Gas Code (International Fuel Gas Code);
  - 4) Georgia State Minimum Standard Plumbing Code (International Plumbing Code);
  - 5) Georgia State Minimum Standard Electrical Code (National Electric Code);
  - 6) Georgia State Minimum Standard Fire Code (International Fire Code);
  - 7) Georgia State Minimum Standard One- and Two-Family Dwelling Code (International Residential Code for One- and Two-Family Dwellings);
  - 8) Georgia State Minimum Standard Energy Code (International Energy Conservation Code);
  - 9) Georgia State Minimum Standard Swimming Pool Code (International Swimming Pool and Spa Code)
- C. The following appendices of said codes, as adopted and amended by the state department of community affairs, are hereby adopted by reference as though they are copied herein fully:
  - 1) Georgia State Minimum Standard One- and Two-Family Dwelling Code (International Residential Code for One- and Two-Family Dwellings): Appendices G, J;
  - 2) Georgia State Minimum Standard Energy Code: Appendices A, B, C, D;
  - 3) Georgia State Minimum Standard Building Code (International Building Code): Appendix J.

- D. The following codes, the latest editions as adopted and amended by the state department of community affairs, are hereby adopted by reference as though they were copied herein fully:
- 1) International Existing Building Code;
  - 2) International Property Maintenance Code.
- E. 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. Neither the city, nor any employee thereof, nor contract employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.
- F. Copies of each code and the qualifications of the building inspector are available for public inspection in the office of the city planner. The qualifications of the building inspector is on file and available for inspection in the office of the city clerk.
- G. Code Remedial.
- 1) These construction codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof - which are public safety, health, and general welfare - through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use, and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical, and plumbing systems, which may be referred to as service systems
  - 2) Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.
  - 3) 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. Neither the city, nor any employee thereof, nor contract employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.
- H. Applicability.
- 1) 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 shall be applicable
  - 2) The provisions of the **International Building Code**, as adopted and amended by the Georgia 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) The provisions of the **National Electrical Code**, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.
  - 4) The provisions of the **International Fuel Gas Code**, as adopted and amended by the Georgia 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) The provisions of the **International Mechanical Code**, as adopted and amended by the Georgia 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) The provisions of the **International Plumbing Code**, as adopted and amended by the Georgia 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) In addition to those codes referenced herein, the provisions of the **International Residential Code**, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the building, mechanical, and gas systems in new one- and two-family dwellings, including additions, alterations, renovations and general repairs of existing one- and two-family dwellings.
  - 8) The provisions of the **International Energy Conservation Code**, as adopted and amended by the Georgia 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.
- I. 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.
  - J. Any appendices referenced in Article II of this Chapter shall be considered an integral part of the construction codes.
  - K. Standards referenced in the text of the construction codes shall be 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 shall be enforced. Where construction code provisions conflict with a standard, the construction code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.
  - L. All buildings, structures, electrical, gas, mechanical, and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his/her designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems.
  - M. Existing Buildings.
    - 1) 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 shall be made to conform to the requirements of the construction codes for new construction.

- 2) If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical, and plumbing systems shall be made to conform to the intent of the construction codes as required by the Building Official.
- 3) 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. 8.08.027 - Definitions.**

- N. 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:
- O. *Code official* means the building official.
  - P. *Complete demolition* means the removal and legal disposal of the entire structure to include, but not limited to, footings, foundations, floors, walls, ceilings, roofs, utilities, all accessory structures, and other elements as required by the building official.
  - Q. *Partial demolition* means the removal and legal disposal of a portion of a structure, specified and approved in writing by the building official.
  - R. *Permit holder* means the identified contractor on the permit or permit application.

### **Sec. 8.08.027 - International Building Code.**

Reserved

### **Sec. 8.08.028 - International Residential Code for One- and Two-Family Dwellings.**

Reserved

### **Sec. 8.08.029. – National Electrical Code.**

Reserved

### **Sec. 8.08.030 - Temporary electrical service.**

Temporary electrical service may be installed, upon approval of the building official, for the following purposes:

- A. To supply electrical power for the purpose of hoisting material used in buildings under construction or remodeling and for the purpose of lighting such buildings or structures in connection with their construction.

- B. To light tents or buildings used for gatherings or shows where those tents or buildings will only be used for a short duration of time or for decorative purposes and where wiring will only be used for a short time.
- C. To allow the electrical current to be turned on in certain parts of wiring installations which have been made safe to the satisfaction of the building official, in order to allow the testing of certain electrical equipment and/or in order to allow tenants, lessees or owners the use of certain completed parts of buildings before the entire job is completed.
- D. Applications for temporary electrical service shall state the period of time the service is required and the necessity therefor. No temporary approval shall be issued for a period of more than 90 days. If it is necessary for temporary service to remain for more than 90 days, a request for such temporary approval shall be made in writing by the person holding the permit. Upon expiration of temporary approval, such service shall be immediately discontinued.

### **Sec. 8.08.031 - International Plumbing Code.**

Reserved

### **Sec. 8.08.032 - International Mechanical Code.**

Reserved.

### **Sec. 8.08.033 - International Fuel Gas Code.**

Reserved.

### **Sec. 8.08.034 - International Plumbing Code.**

Reserved.

### **Sec. 8.08.035 - International Fire Code.**

Reserved.

### **Sec. 8.08.036 – International Property Maintenance Code.**

The International Property Maintenance Code, as adopted by **Sec. 8.08.026**, is amended in the following particulars:

*Section 101.1. Insert: City of Stockbridge.*

*Section 103 Amend section heading to read: City of Stockbridge Property Maintenance.*

*Section 302.4 Insert: 12 inches.*

Section 303.2 Enclosures. *Amend the first sentence to read:*

Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 60 inches in height above the finished ground level measured on the side of the barrier away from the pool.

Section 602.3 insert: [October 1], [March 31]

Section 602.4 insert: [October 1], [March 31]

## **Sec. 8.08.037 - International Existing Building Code.**

Reserved.

**Secs. 8.08.038 - Sec. 8.08.055 – Reserved.**

## **ARTICLE III. - MULTI-FAMILY RESIDENTIAL INSPECTION REQUIREMENTS**

### **Sec. 8.08.056 - 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:

*Certified building inspector* means a 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 the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building plan examiner or commercial combination inspector.

*Code compliance certificate* means a certificate, substantially similar to the inspection report provided by the city, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report.

*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 multi-family rental dwellings or multi-family rental units.

*Multi-family rental dwelling* means any multi-family structure, multi-family building, or other facility promised and/or leased to a residential tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family

dwellings, multiple-family apartment units, boardinghouses, rooming houses, group homes, and flats.

*Multi-family rental unit* means any one area, room, structure, flat, apartment, or facility of a multi-family 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 multi-family rental dwelling or multi-family 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 multi-family 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 multi-family rental dwelling or multi-family rental unit.

### **Sec. 8.08.057 - Fee and certificate required.**

- A. *Occupational tax.* All owners of multi-family rental dwellings or multi-family rental units within the city 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 city (i) shall be subject to an occupation tax as provided in Title 9 – Licensing and Regulation of the Stockbridge Municipal Code, and (ii) shall provide to the city, prior to December 31, 2018, a code compliance certificate covering 100 percent of the multi-family rental units within the 12-month period immediately preceding the date of the code compliance certification. Said code compliance certificate shall be certified by the owner and the certified building inspector that all units inspected are in compliance with those standards contained in the code compliance certificate and inspection report as published by the building safety division. New multi-family rental dwellings or multi-family rental units are exempt from the interior evaluation requirements described herein, provided proper permits are obtained from the city, for two years after the date of the certificate of occupancy issued by the City.
- B. *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 building official outlining the time and scope of work necessary to bring the units into compliance. If such plan is accepted by the building official as reasonable and justified, an extension may be granted for up to one year for completion of repairs and compliance with this section. No extension shall be granted if life safety issues are involved and any such units shall not be leased until brought into compliance. Failure to comply with the accepted plan shall be a violation of this section and is subject to those penalties contained in Chapter 8.08 of the Stockbridge Municipal Code.
- C. *Compliance certificate.* After submission of the initial code compliance certificate, each owner shall submit a code compliance certificate annually, between September 1 and September 30, with their occupational tax certificate renewal. Such subsequent code compliance certificate shall cover at least 50 percent of the units, provided all units shall be inspected, at a minimum, every four years. All units inspected shall be listed

individually on the code compliance certificate submitted to the city by the certified building inspector. Furthermore, exterior and common area inspections shall cover at least 50 percent of the buildings, provided all buildings shall be inspected, at a minimum, every two years. All units inspected shall be listed individually and submitted to the city by the certified building inspector.

- D. *Written record of inspection.* 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 city within ten business days after such request is made in writing to the inspector. Failure to provide such records shall nullify the code compliance certificate for those units.

#### **Sec. 8.08.057 - Failure to provide code compliance certificate.**

- A. Failure to provide the code compliance certificate as provided herein shall be a violation of this section and is subject to those penalties contained in Chapter 8.08 – Buildings and Building Regulations of the Stockbridge Municipal Code.
- B. Failure to provide the code compliance certificate shall further, upon a judicial determination, be a condition constituting probable cause for, and may subject said multi-family rental dwelling or multi-family rental units to, inspection by the city building official at a fee of \$200.00 per dwelling or sleeping unit. Said inspection by the city, if required, shall be at a sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises as provided for collection of taxes.
- C. Failure to pay the occupational tax as provided in the Stockbridge Municipal Code shall be a violation of the City Code and is subject to those penalties set forth therein. Nothing contained in this section shall prevent the city from enforcing the state minimum standard codes as provided in Chapter 8.08 – Building and Building Regulations.

#### **Sec. 8.08.058. - Penalty for false certification and false inspection.**

- A. An owner who knowingly participates in furnishing a code compliance certificate to the city which contains a false certification that all multi-family rental dwellings or multi-family 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 multi-family rental dwelling or multi-family rental unit for which the certification is shown to be false and can be fined as provided by this Code for each violation.
- B. A certified building inspector who furnishes an inspection report which knowingly contains fraudulent information that a multi-family rental dwelling or multi-family rental unit meets the minimum housing standards of the city as shown by the inspection report provided by the building safety division shall be guilty of a violation of the City of Stockbridge Code of Ordinances for each multi-family rental dwelling or multi-family rental unit for which the code compliance certificate is shown to be false and can be fined by the court for each violation. In addition, the certified building inspector's right to submit inspection reports to the city shall be suspended for a stated period of time, up to five years.

#### **Sec. 8.08.059 - Certified building inspector requirements.**

- A. All inspectors wishing to submit or participate in the apartment evaluation program must comply with the following requirements:
- B. The inspector must be a licensed design professional (architect or engineer) or hold one of the following certifications from the International Code Council (ICC): Property

maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.

- C. The inspector must submit a copy of his or her business license and applicable certification to the city to be placed on an approved inspector list prior to inspecting any apartment complex.
- D. The inspector must meet with the chief building official or the code compliance official upon approval prior to performing any services to comply with this section.
- E. Mandatory meetings will be called by the city which all inspectors participating in the program must attend. Ample notice will be provided by the city of no less than two weeks.
- F. The inspector must provide an inspection report or a certificate, similar to the inspection report provided by the city, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report. The inspector must sign and date the report upon completion.

### **Sec. 8.08.060. - Interior evaluations of multi-family rental dwelling and sleeping units.**

Interior evaluations will be conducted to ensure compliance with the Stockbridge Property Maintenance Code, NFPA 101 (Life Safety Code, existing provisions), the International Fire Code and other referenced standards contained therein as listed in the checklists as published by the building safety division.

### **Sec. 8.08.061 – Exterior and Interior evaluations of non-publicly accessible areas and publicly accessible areas of multi-family rental units and multi-family properties.**

Interior and Exterior evaluations will be conducted to ensure compliance with the Stockbridge Property Maintenance Code, NFPA 101 (Life Safety Code, existing provisions), the International Fire Code and other referenced standards contained therein as listed in the checklists as published by the building safety division.

### **Sec. 8.08.062 - Nuisances.**

Nothing in this article shall be construed to impair, limit, or preempt in any way the power of the city to enforce any applicable codes, as defined in state law, or to define or declare nuisances and to compel or cause their removal or abatement by summary proceedings or otherwise.

### **Sec. 8.08.063 - Effective date.**

The ordinance from which this article is derived shall be codified in accordance with state law and the Code of the City of Stockbridge, Georgia. The ordinance from which this article is derived shall become effective November 1, 2017.

**Secs. 8.08.064 - Sec. 8.08.075 - reserved**

## **ARTICLE IV. – RESERVED**

Secs. 8.08.076 - Sec. 8.08.079 - reserved

## **ARTICLE V. - VACANT AND FORECLOSED PROPERTIES**

### **Sec. 8.08.080- Short title.**

This article shall be known as the "Vacant and Foreclosed Property Ordinance."

### **Sec. 8.08.081 - Findings and intent.**

- A. This article is adopted to address the interest of public safety.
- B. The governing authority finds that within the city limits, there are buildings and structures that are vacant and pose a danger to the citizens of the city. Vacant structures are vulnerable to break-ins, criminal activity, destruction, fire, accidents, looting and other unsafe activities that are injurious to the health, safety and welfare of the citizens of the city. In addition, they can attract and/or cause blight and other harmful effects to surrounding properties.
- C. The governing authority finds that there is a need to establish a foreclosure and vacant real property registry as a mechanism to protect property values in neighborhoods for all property owners.
- D. Due to the lack of adequate maintenance and security of properties that are foreclosed or where ownership has been transferred after foreclosure, the property values and quality of life of neighboring properties are negatively impacted.
- E. Improperly maintained and secured foreclosed properties can become a hazard to the health and safety of persons who may come on or near the property and can adversely affect the aesthetic and economic attributes of communities. Difficulties also often arise in locating the person responsible for the condition of foreclosed real property. The governing authority finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the provisions in this article.
- F. This foreclosure and vacant real property registry will require owners and agents to provide the city with official information for contacting a party responsible for bringing foreclosed and vacant real property into compliance with applicable provisions of Municipal Code of Stockbridge, Georgia.

### **Sec. 8.08.082 - Definitions.**

- A. 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:
- B. *Agent* means an individual with a place of business in this state in which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner. The definition of "agent" shall have the same meaning as

set forth in the O.C.G.A. § 44-14-14 should that definition differ from the definition in this article.

- C. *Department* means the community development and general services department.
- D. *Foreclosed real property* means improved or unimproved real property for which a land disturbance permit has been issued by a county or municipal corporation and is held pursuant to a judicial or nonjudicial foreclosure of a mortgage, deed of trust, security deed, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor or shall have the same meaning as set forth in the O.C.G.A. § 44-14-14, should that definition differ.
- E. *Street address* means the street or route address. Such term shall not mean or include a post office box. The definition of "street address" shall have the same meaning as set forth in the O.C.G.A. § 44-14-14 should that definition differ from the definition in this article.
- F. *Vacant real property* means real property that:
  - 1) Is intended for habitation, has not been lawfully inhabited for at least 60 days, and has no evidence of utility usage within the past 60 days; or
  - 2) is partially constructed or incomplete, without a valid building permit.
- G. Such term shall not include a building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage. The definition of "vacant real property" shall have the same meaning as set forth in the O.C.G.A. § 44-14-14 should that definition differ from the definition in this article.

### **Sec. 8.08.083 - Registration of vacant or foreclosed property.**

- A. Owner or agents of foreclosed real property or vacant real property, including foreclosed real property and vacant real property which is also residential rental property, are required to register such property with the department within 30 days of such property becoming foreclosed or vacant real property by following the provisions of this section unless otherwise exempted by this article or state law.
- B. Any such owner or agent of foreclosed real property or vacant real property located within the jurisdiction of the city is required to file with the department the registration form promulgated by the Georgia Department of Community Affairs.
- C. Registration is required for all vacant or foreclosed real property unless otherwise exempted, pursuant to this article, but is not required for vacant or foreclosed real property within 90 days of such real property's transfer:
  - 1) Pursuant to a deed under power of sale or deed in lieu of foreclosure; or
  - 2) To the first subsequent transferee after the vacant real property has been acquired by foreclosure under power of sale pursuant to the O.C.G.A. § 44-14-160, or acquired pursuant to a deed in lieu of foreclosure.
- D. Any owner or agent required to register any vacant or foreclosed real property pursuant to this article or to Georgia law shall also be required to update the information specified in subsection (A) of this section within 30 days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

### **Sec. 8.08.084 - Foreclosed and vacant real property exemptions.**

- A. Registration or payment of any administrative fees of foreclosed real property pursuant to this article and Georgia law is not required of transferees as described in subsection (B) of this section.

- B. Any transferee who acquires any real property by foreclosure under power of sale pursuant to the O.C.G.A. § 44-14-160 or acquires any real property pursuant to a deed in lieu of foreclosure and:
  - 1) The deed under power of sale or deed in lieu of foreclosure contains the information specified in subsection (a) of this section;
  - 2) The deed is filed with the clerk of the superior court within 60 days of the transfer; and
  - 3) Proof of the following is provided to the office or the officer in charge of the city foreclosed real property registry:
    - i. A filing date stamp or receipt showing payment of the applicable filing fees; and
    - ii. The entire deed under power of sale or entire deed in lieu of foreclosure.
- C. Any owner or agent required to register any vacant or foreclosed real property pursuant to this article or to Georgia law shall also be required to update the information specified in subsection (A) of this section within 30 days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

### **Sec. 8.08.085 - Removal from registry.**

- A. Any owner or agent of a vacant or foreclosed real property may apply to the city to remove a vacant or foreclosed real property from the city registry at such time as the real property no longer constitutes a vacant or foreclosed real property.
- B. Any application for removal allowed under subsection (A) of this section shall be granted or denied by the department within 30 days, and if no such determination is made within 30 days then the application for removal from the registry shall be deemed granted.

### **Sec. 8.08.086 - Administrative fees.**

Any owner or agent of a vacant or foreclosed real property that is required to be registered with the city under this article shall be required to make a payment for administrative fees that reasonably approximate the cost to the city of the establishment, maintenance, operation, and administration of the registry. Such fees shall be set forth in the schedule of fees adopted by the mayor/council.

### **Sec. 8.08.087 - Appeal procedures.**

- A. Any owner or agent aggrieved of any determination or decision of the department or the city in the administration of this article may appeal to the municipal court of the city. All appeals hereunder must be taken within 30 days of the decision in question by filing with the department a notice of appeal specifying the grounds thereof.
- B. The department shall forthwith transmit the notice of appeal and all the papers constituting the record upon which the action appealed was taken to the municipal court clerk who shall schedule an appeal hearing within 60 days following the date the appealing party submits its completed written appeal with subsection A. above.
- C. The municipal court judge may call for further information to be provided within the next 35 days following the hearing, and may continue the hearing for the purpose of receiving such information or for such other proceedings and reasons as the municipal court judge deems appropriate.
- D. An appeal shall stay all proceedings in furtherance of the action appealed from unless the department certifies to the municipal court, after the notice of appeal has been filed with it,

that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed except by order of the municipal court judge on notice to the department, and on due cause shown.

- E. The municipal court judge may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the decision, requirement, or determination of the department appealed from by the owner or agent and may make such decision, requirement, or determination, as may be appropriate under the circumstances.

### **Sec. 8.08.088 - Administration.**

- A. The foreclosure and vacant real property registry is subject to the Open Records Act of the State of Georgia and the city may make such registry information available online.
- B. Registration information shall be deemed prima facie proof of the statements contained therein in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this chapter.

### **Sec. 8.08.089 - Vacant structure permit.**

- A. *Generally.* Any such owner or agent of vacant real property located within city is required to obtain a vacant structure permit "permit." As set forth below, the city will issue the permit after receipt of the completed registration form and receipt of all necessary fees. The permit shall be valid for a period of 12 months. After the permit expires, if the structure remains vacant, the owner shall renew the registration of same, as set forth below.
- B. *Registration of vacant structures.*
- C. Whenever the city provides written notice to the owner of the existence of vacant real property, the owner shall, within 14 calendar days of the date shown on such notice, submit the permit application, pay all applicable inspection fees to the department and allow the city to conduct the initial inspections and any re-inspections which are a result of documented violations. The fees for residential and commercial inspections are set forth in the schedule of fees adopted by the mayor/council.
- D. The owner must complete a registration form pursuant to Sec. 8.08.083 above.
- E. *Inspections of vacant real property.*
- F. At the time the permit is initially issued and at the time of renewal registration the city shall perform an exterior inspection of the property and any structures thereon. Registration and permit issuance grants consent for the building official and code enforcement officers to enter the property for initial and renewal inspection purposes. This inspection shall be conducted within 14 days of receipt of the registry permit application and associated fees. The registrant shall provide combination/keyed access to the perimeter, or make arrangements for an escorted inspection.
- G. Inspections shall be conducted to verify maintenance in accordance with the Exterior provisions of the Stockbridge Property Maintenance Code Checklist, applicable state laws, and all local codes and ordinances.
- H. Without prior consent, and at any time that the city deems necessary during the registry period, the city code enforcement officers and building official may perform additional exterior only inspections of the property. Any further interior inspections of the primary and accessory structures thereon shall be in accordance with the "right of entry" provisions granted by the International Property Maintenance Code.

- I. Without prior consent, and at any time the city police or fire departments require, the owner shall permit inspections of the property to determine that the property will support entry by police and/or fire personnel in cases of emergency.
- J. *Violations and penalties.* Violations and penalties shall be enforced in accordance with the Stockbridge Property Maintenance Code.
- K. *Fees.* The department is hereby authorized to collect a fee to offset the cost of inspections and re-inspections. The fee for inspections is set forth in the schedule of fees adopted by the mayor and council.

### **Sec. 8.08.090- Permit to secure vacant structure.**

#### **A. *Permit to secure.***

- 1) If the owner or the city determines that a vacant structure has become unsecure, within ten days of such determination, the owner shall apply for, allow necessary inspections by the city and obtain a permit to secure the vacant structure. The permit to secure application shall contain sufficient information for the department to confirm that the securing is compliant with this section. The permit to secure expires after 12 months.
- 2) The issuance of a permit to secure shall also be subject to all the following conditions:
- 3) The owner shall submit a detailed plan for correction, repair or rehabilitation of violations of state, local building and property maintenance standards and for the securing of the doors, windows and other openings by the conventional method used in the original construction and design of the building or structure or, alternatively, a detailed plan for sale of the property to another person or entity with provision in the sale of correction, repair or rehabilitation;
- 4) The owner shall submit a timeline for applying for appropriate permits for such work and for completing such work prior to the expiration of the permit to secure, or alternatively, a timeline for the sale of the property;
- 5) The permit to secure may be revoked by written notice of the director if the owner fails to comply with the plan for such work or fails to comport to the timeline submitted; and
- 6) A letter of written consent by the owner granting permission for city officials to enter and inspect the property and all structures upon it during the period of time during which the permit to secure is in effect.
- 7) Corrective action to bring the vacant structure into full compliance with the plan for correction shall begin within 30 days after issuance of the permit to secure and shall be completed within 270 days. Failure to have timely begun and/or completed the corrective action shall constitute a violation of this article.
- 8) The city will not consider a new application for a permit to secure for the same property. Properties, for which the city can demonstrate, have been boarded or otherwise secured for a period of one or more years without application or issuance of a permit to secure shall not be considered for a new application.
- 9) If the city determines that an owner of a vacant structure has, prior to the passage of this article, secured the structure in a manner inconsistent with the provisions of this section, the city shall notify the owner of same and give the owner 60 days from issuance of the notice to properly secure the structure and obtain the required permit.
- 10) Neither a permit or permit to secure are required in the following circumstances:
- 11) Temporary emergency situations, not to exceed 60 days in length, including but not limited to damage caused by vandalism, theft or weather or hurricane preparation; or
- 12) Seasonal residences in which the owner lives at least six months out of the year in the residence.

#### **B. *Standards for securing vacant structures by boarding.***

- 1) The securing of the doors, windows or other openings of any building or structure, other than by the conventional method used in the original construction and design, shall comply with the following minimum standards:
  - 2) Windows and similar openings shall be secured with opaque material ("material") of a minimum thickness of five-eighths-inch nominal or its equivalent. The opaque material must be painted to match the color of the structure, dark gray or black. Vent holes may be required, as deemed necessary by the city. The material shall be secured in place by two-inch by four-inch or four-inch by four-inch cross members, secured to the material by three-eighths-inch plated carriage bolts with large washers at each end and with the cross member turned so that the carriage bolt goes through the larger dimension. Bolts used to secure the cross member shall be threaded to the correct length. A minimum of two cross members shall be used on each window and, depending on the size of the opening, additional cross members may be required. Each cross member must extend at least one foot past the window opening in each direction. Bolts and nuts used to secure the cross members to the material must be tightened enough to slightly deflect the material. Bolt heads must fit tightly against the material and not give a surface for pliers or pry bars.
  - 3) Exterior doors shall be boarded with opaque material ("material") of a minimum thickness of five-eighths-inch nominal or its equivalent, fitted to the entry doorjamb with maximum one-eighth-inch clearance for each edge. The existing door should be removed and stored inside the building. The material shall be attached to three horizontal two-inch by four-inch wooden crossbars each with two three-eighths-inch carriage bolts and matching hardware. The material shall be attached to the door entry with three case hardened strap hinges of the types specified by the department and the material shall be secured by a case-hardened steel hasp and minimum two-inch case hardened padlock also of the type specified by the department.
  - 4) The following requirements shall be followed when securing a building by fencing:
  - 5) Fencing shall consist of a metal chain link fence that is six feet in height. The fence shall be installed to withstand a 50-pound lateral force applied to the top of the fence.
  - 6) The fence shall completely encircle the property and not be directly attached to the structure as to provide a climbable surface for accessing the structure's upper floor or roof.
  - 7) The fencing must comply with all other City Codes.
- C. All work shall be done in a neat and workmanlike fashion subject to the approval of the building official.
- D. In addition to the requirements set forth above, the owner shall also comply with the following requirements:
- E. The interior of the structure shall be cleaned of all trash, junk, garbage, debris and solid waste and personal possessions shall be removed from the interior of the structure so as to eliminate any fire or health hazard and prevent hindrance to firefighting equipment or personnel in the event of a fire. Disposal of trash, etc. must comply with any and all provisions of the City of Stockbridge Code; and
- F. All garbage, trash, and debris shall be placed in an approved container and removed from the exterior of the property.
- G. *Fees.* Applications for a permit to secure shall be accomplished by the required fee, set forth in the fee schedule adopted by mayor/council.

### **Sec. 8.08.091 - Nuisances.**

- A. Vacant structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or

the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against entry shall be deemed unsafe.

- B. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in the International Property Maintenance Code and Chapter 8.08, article IV.
- C. Nothing in this article shall be construed to impair, limit, or preempt in any way the power of the city to enforce any applicable codes, as defined in state law, or to define or declare nuisances and to compel or cause their removal or abatement by summary proceedings or otherwise under the provisions of Chapter 8.08, Article VII.

### **Sec. 8.08.092 - Penalties for failure.**

- A. Should any owner or agent fail to register or update the information specified in subsection (A), of **Sec. 8.08.089**, of this article, fail to respond to the city's notice, register or renew a permit for the vacant real property, submit an approve plan, allow inspections, pay all associated fees, or obtain all required permits, the department may issue a citation setting a hearing in municipal court. All persons found guilty may be fined up to \$1,000.00 per occurrence.

**Secs. 8.08.093 - Sec. 8.08.099- reserved**

## **ARTICLE VI. – Out-of-Doors Storage**

### **8.08.100 - Out-of-doors storage—Trailers and certain types of receptacles prohibited—Penalty—Abatement costs.**

- A. It is unlawful for any person, firm or corporation to park, place, abandon, leave, keep, suffer or permit the placement, abandonment, leaving or keeping of a transfer truck, truck trailer, commercial trailer, mobile home, U-haul type trailer, railroad box car, seafaring container or metal container out-of-doors for use as a storage facility, storage building or storage receptacle or for use as a facility or building from which retail or wholesale sales are made upon any public or private land within the city.
- B. Whenever it shall appear that subsection A of this section is being violated, the city shall, in writing, notify the owner or tenant in possession of the land on which the violation exists to abate such violation by removing the transfer truck, truck trailer, commercial trailer, mobile home, U-haul type trailer, railroad box car, seafaring container or metal container to a conforming location, or into an enclosed garage, barn or other building within ten (10) days of the notice. On failure thereof, the violation shall be punishable by a fine of five hundred dollars (\$500.00) plus fifty dollars (\$50.00) per day for each day the violation remains after the tenth day of the notice. The city may also abate the nuisance as provided in [Section 11.08.040](#) et seq. and assess the cost.
- C. The expenses of the removal of such transfer truck, truck trailer, commercial trailer, mobile home, U-haul type trailer, railroad box car, seafaring container or metal container shall be enforceable and collectible from the owner and/or from the person having control of the premises, in the same manner as delinquent taxes and street improvements are enforced and collected.

- D. All transfer trucks, tractor trailers, trailers and any vehicles used for commercial purposes in interstate or intrastate commerce, which are used to make deliveries or to load within the public or private land within the city, shall be removed from such premises within forty-eight (48) hours of delivery or loading.
- E. This article shall not apply to garbage or refuse receptacles or containers; temporary buildings, construction trailers, or buildings for use in connection with a construction project or land subdivision development; or metal or wooden buildings specifically designed as storage buildings.

**Secs. 8.08.101 - Sec. 8.08.109 – reserved**

## **ARTICLE VII. - RESERVED**

**Secs. 8.08.110 - Sec. 8.08.119- reserved**

## **Article VIII. - Abatement of Unsanitary Conditions, Health Hazards and Unfit Buildings On Private Property**

### **8.08.120 - Findings of the existence of nuisances.**

- A. The governing authority of the city of Stockbridge, Georgia find and declare that within the city limits of the city of Stockbridge there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the city of Stockbridge or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the city and the state; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.
- B. It is further found and declared that in the city where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the city and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe-human habitation. The governing authority of the city finds that there exist in the city dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist rendering such dwellings, buildings or structure unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the city, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, and private property exists constituting an endangerment to

the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.

- C. It is the intention of the governing authority that this ordinance shall comply with and does comply with O.C.G.A. § 41-2-9(a) as a finding that conditions as set out in O.C.G.A. § 41-2-7 exist within the city of Stockbridge, Georgia.

### **8.08.130 - Continued use of other laws and ordinances.**

It is the intent of the mayor and council that nothing in this ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of any local enabling act, charter, or ordinance or regulation nor to prevent or punish violations thereof, and the powers conferred by this ordinance shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.

### **8.08.140 - Definitions.**

1. "Applicable codes" means (a) any optional housing or abatement standard provided in Chapter 2 of Title 8 of the O.C.G.A. as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (b) any fire or life safety code as provided for in Chapter 2 of Title 25 of the O.C.G.A.; and (c) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. Chapter 2 of Title 8 after October 1 provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.
2. "Closing" means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.
3. "Drug crime" means an act which is a violation of O.C.G.A. Article 2 of Chapter 13 of Title 16, known as the Georgia Controlled Substances Act.
4. "Dwellings, buildings, or structures" means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. The term 'dwellings, buildings, or structures' shall not be mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.
5. "Governing Authority" means the mayor and council of the city of Stockbridge.
6. "Municipality" means any incorporated city within this state.
7. "Owner" means the holder of the title in fee simple and every mortgage of record.
8. "Parties in interest" means:
  - a. Persons in possession of said property and premises;
  - b. Persons having of record in the county in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the structure is situated or-upon which the public health hazard or general nuisance exists based upon a 50 year title examination conducted in accordance with the title standards of the state bar of Georgia;

- c. Persons having paid an occupational tax to the governing authority for a location or office at the subject building or structure; or
  - d. Persons having filed a property tax return with the governing authority as to the subject property, building, or structure.
9. "Public authority" means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality, count, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings; or structures in the county or municipality.
  10. "Public officer" means the officer or officers who are authorized by O.C.G.A. Section 41-2-7, Section 41-2-8 and Sections 41-2-9 through 41-2-17 and by this ordinance adopted under Section 41-2-7, Section 41-2-8, and Sections 41-2-9 through 41-2-17 to exercise the powers prescribed by this ordinance or any agent of such officer or officers.
  11. "Repair" means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.
  12. "Resident" means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

### **8.08.150 - Duties of owners: Appointment of public officer; procedures for determining premises to be unsafe or unhealthful.**

1. It is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the city, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such codes or ordinances;
2. The mayor and council of the city of Stockbridge, Georgia appoint or designate the city code enforcement officer, city fire marshal, city fire chief, city police chief and his/her designees, and the director of code enforcement department of Henry County and his/her designees as public officers to exercise the powers prescribed by this ordinance;
3. Whenever a request is filed with the public officer by a public authority or by at least five (5) residents of the city of Stockbridge, Georgia charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance, with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the

owner of the parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing will be held before a court of competent jurisdiction as determined by O.C.G.A. Section 41-2-5, at a date and time certain and at a place within the city where the property is located. Such hearing shall be held not less than fifteen (15) days nor more than forty-five (45) days after the filing of said complaint in court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place offered for hearing;

4. If after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing an order:
  - a. If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of crimes; or
  - b. If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this ordinance, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building or structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair alter, or improve a structure may be considered income and financial status of the owner shall not be factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 41, of the O.C.G.A. qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction;

5. If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure, to be repaired, altered, improved, to be vacated and closed, or demolished. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to the

public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.";

6. If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and the city are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials;
7. The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.
  - a. The lien provided for in paragraph (7) of this ordinance section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the office of the clerk of superior court in Henry County and shall relate back to the date of the filing of the lis pendens notice required under subsection (g) of O.C.G.A. § 41-2-12. The clerk of superior court shall record and index such certified copy of the order in the deed records of Henry County and enter the lien on the general execution docket.

The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the public officer shall forward a copy of the order and a final statement of costs to the county tax commissioner. It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collection real property ad valorem tax, including specifically [Chapter 4](#) of Title 48 of the O.C.G.A.; provided, however that the limitation of O.C.G.A. § 48-4-78 which requires twelve (12) months of delinquency before commencing a tax foreclosure shall not apply. The tax commissioner shall remit the amount collected to the governing authority of the city of Stockbridge, Georgia. Thirty (30) days after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes:

- a. The tax commissioner shall collect and retain an amount equal to the cost of administering a lien authorized by O.C.G.A. § 41-2-7 et seq. unless such costs are waived by resolution of Henry County. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.
- b. The city may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the county or municipality agreeing to a timetable for rehabilitation of the real property of the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
- c. Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under O.C.G.A. Section 5-3-29.

- d. The public officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and may seek to enforce such citation in any court of competent jurisdiction prior to issuing a complaint in sum as provided in this ordinance.
- e. Nothing in this ordinance shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

### **8.08.160 - Determination by public officer that under existing ordinance dwellings, buildings, or structures are vacant and sample conditions of nuisances.**

The public officer may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he/she finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwelling, buildings, or structures; or of other residents of the city. Such conditions include the following (without limiting the generality of the foregoing):

1. Defects therein increasing the hazards of fire, accidents or other calamities;
2. Lack of adequate ventilation, light, or sanitary facilities;
3. Dilapidation;
4. Disrepair;
5. Structural defects;
6. Uncleanliness; and
7. Other additional standards which may from time to time be adopted and referenced herein by ordinance amendment.

The public officer may determine, under existing ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes based upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

### **8.08.170 - Powers of public officers.**

The public officer(s) designated in this ordinance shall have the following powers:

1. To investigate the dwelling conditions in the city in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;
2. To administer oaths and affirmations, to examine witnesses, and to receive evidence;
3. To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

4. To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of the ordinance; and
5. To delegate any of his or her functions and powers under the ordinance to such officers and agents as he or she may designate.

### **8.08.180 - Service of complaints.**

1. Complaints issued by a public officer pursuant to this ordinance shall be served in the following manner. In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, or structure within three (3) business days of filing of the complaint and at least ten (10) days prior to the date of the hearing. A copy of the complaint and summons shall be served in one of the following ways:
  - a. Personal service upon each owner and party in interest if such parties are residents of the county. Service shall be perfected at least ten (10) days prior to the date of the hearing. Service may be made by the public officer designated by ordinance to abate nuisances or by any law enforcement officer of the city or county; and a return of service, filed with the clerk of the appropriate court, shall be deemed sufficient proof that service was perfected;
  - b. Pursuant to the provisions of Article 5 Chapter 4 of Title 48 of the O.C.G.A.; or
  - c. Statutory overnight delivery.
2. If any owner or party in interest is a resident of this state but resides outside of the county, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in the county tax filings and mailed at least fourteen (14) days prior to the date of the hearing.
3. Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least fourteen (14) days prior to the date of the hearing. For nonresidents whose mailing, address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two (2) consecutive weeks prior to the hearing.
4. In the event either the owner or any party in interest is a minor, estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such person shall be served and such guardian or personal representative resides outside the county or is a nonresident of this state, he or she shall be served as provided for in subsection (6) of this ordinance. If such owner or party in interest has no guardian or personal representative, service shall be perfected by serving the judge of the probate court of the county wherein such property is located at least thirty (30) days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.
5. In the event of unknown persons or unborn remainder-men who are likely to have any rights in the property or interest or the proceeds thereof, the judge of the probate court of the county wherein such property or interest is located shall be personally served at least thirty (30) days prior to the date of the hearing, and it shall be the duty of the judge of the probate court to stand in the place of the protect the rights of such unknown parties or unborn remaindered.
6. In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence or if any owner or party in interest cannot, after due diligence, be served as

provided in this ordinance, the public officer shall make an affidavit to that effect and serve by publication in the manner provided in subsection (3) of this ordinance, and such publication shall be sufficient proof that service was perfected.

7. A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
8. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this ordinance on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

## **Article IX. - Utility Construction/ Relocation Permits**

### **8.08.220 - Application for utility location/relocation permit in rights-of-way.**

#### **A. Intent and Purpose—Scope.**

1. Intent and Purpose. The city is vitally concerned with the use, construction within, and occupancy of all rights-of-way in the city as such rights-of-way are a valuable and limited resource which must be utilized to promote the public health, safety, welfare, economic development of the city and to protect public work infrastructure. Therefore, the city, under the authority of the Laws and Constitution of the state of Georgia, including but not limited to [Article 9](#), Section 1, paragraphs 2 and 3 of the Georgia Constitution, Official Code of Georgia Annotated Section 36-1-20 and Official Code of Georgia Annotated Section 32-4-42(6), has adopted this section for the purpose of regulating public and private entities which use the city rights-of-way.
2. Scope. The provisions of this section shall apply to all utilities and facilities occupying the rights-of-way as provided herein.

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

"As-built plans" means detailed construction plans showing completed improvements as constructed.

"Construct" means, but shall not be limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, installing or removing signs or facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the rights-of-way. Construct shall also include the act of opening, boring and/or cutting into the surface of any paved or improved surface that is any part of the right-of-way.

"Construction" means, but shall not be limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, installing or removing signs or facilities, other than landscaping or ornamental plantings, in, on, above, within,

over, below, under, or through any part of the rights-of-way. Construction shall also include the act of opening, boring and/or cutting into the surface of any paved or improved surface that is any part of the right-of-way.

"Emergency" means a condition that poses a clear and immediate danger to life, health, or safety of a person, or of significant damage or loss of real or personal property.

"Facilities representative(s)" means the specifically identified agent(s)/employee(s) of a utility who are authorized to direct field activities of that utility and serve as official notice agent(s) for facilities related information. Utility shall be required to make sure at least one (1) of its facilities representatives is available at all times to receive notice of, and immediately direct response to, facilities related emergencies.

"Facility or facilities" means any tangible thing, including but not limited to pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, appurtenances, appliances and future technology of any utility in, on, along, over, or under any part of the rights-of-way within the city.

"Permit" means an authorization which grants permission to conduct specific regulated activities on, in, over, under or within any public right-of-way, and which may be subject to conditions specified in a written agreement with the city or in a related provision of this code of ordinances.

"Registration" means an authorization which grants permission to conduct specific regulated activities on, in, over, under or within any public right-of-way, and which may be subject to conditions specified in a written service agreement with the city or in a related provision of this code of ordinances.

"Right-of-way or rights-of-way" means the surface and space in, on, above, within, over, below, under or through any real property in which the city has an interest in law or equity, whether held in fee, or other estate or interest, or as a trustee for the public; including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, or any other place, area, or real property owned by or under the legal or equitable control of the city, now or hereafter, that consistent with the purposes for which it was dedicated, may be used for the purposes of constructing, operating, repairing or replacing facilities.

"Service(s)" means the offering of any service by a utility for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, or alternatively, the provision of any service by a utility between two (2) or more points for a proprietary purpose to a class of users other than the general public.

"Service agreement" means a valid license agreement, service agreement, franchise agreement, or operating agreement issued by the city or state pursuant to law and accepted by a utility or entered into by and between the city and a utility, which allows such utility to operate or provide service within the geographic limits of the city.

"Street or streets" means the surface of, as well as the spaces above and below, any and all the streets, alleys, avenues, roads, bridges, tunnels and public places

of the city within the corporate limits of the city, as the same now exist or may be hereafter extended or altered, and any location thereon, thereover or thereunder, and any portion thereof.

"Transfer" means the disposal by the utility, directly or indirectly, by gift, assignment, sale, merger, consolidation, or otherwise of more than fifty percent (50%) at one (1) time of the ownership or controlling interest in the facilities, or of more than fifty percent (50%) cumulatively over the term of a written approval of registration of such interests to a corporation, partnership, limited partnership, trust or association, or person or group of persons acting in concert.

"Unused facilities" means facilities located in the rights-of-way which have remained unused for twelve (12) months and for which the utility is unable to provide the city with a plan detailing the procedure by which the utility intends to begin actively using such facilities within the next twelve (12) months, or that it has a potential purchaser or user of the facilities who will be actively using the facilities within the next twelve (12) months, or, that the availability of such facilities is required by the utility to adequately and effectively operate its facilities.

"Utility or utilities" means all privately, publicly, or cooperatively owned systems for producing, transmitting, or distributing communication, data, information, telecommunication, cable television, video services, power, electricity, light, heat, gas, oil, crude products, water/sewer, steam, fire and police signals, traffic control devices, and street lighting systems, and housing or conduit for any of the foregoing, which directly or indirectly serve the public or any part thereof. The term "utility" may also be used to refer to the owner, operator, provider, servicer, contractor, subcontractor, or any agent thereof, of any above-described utility or utility facility.

#### C. Utility Registration.

1. Registration Required. Each utility who occupies, uses or has facilities in the rights-of-way as of the effective date of the ordinance codified in this article, including by lease, sublease, or assignment, to operate facilities located in the rights-of-way, unless specifically exempted by state or federal law or this code, shall file a registration statement with the city within ninety (90) days of the effective date of the ordinance codified in this article.
2. Registration Procedure. The registration information provided to the city shall be on a form approved by the city and include, but not be limited to:
  - a. The name, legal status (i.e., partnership, corporation, etc.), street address, mailing address (if different from street address) email address if applicable, and telephone and facsimile numbers of the utility filing the registration statement (the "registrant"). If the registrant is not the owner of the facility in the right-of-way, the registration shall include the name, street address, mailing address, email address if applicable and telephone and facsimile numbers of the owner.
  - b. The name, street address, mailing address, email address if applicable and telephone and facsimile numbers of one (1) or more facilities representative(s). Current information regarding how to contact the facilities representative(s) in an emergency shall be provided at the time of filing a registration and shall be updated as necessary to assure accurate contact information is available to the city at all times.
  - c. A copy, if requested, of the utility's certificate of authority (or other acceptable evidence of authority to operate) from the Georgia Public Service Commission

and/or the Federal Communications Commission (FCC) and any other similar approvals, permits, or agreements.

- d. A copy, if requested, of the service agreement, if applicable or other legal instrument that authorizes the utility or use or occupy the right-of-way for the purpose described in the registration.
  3. Incomplete Registration. If a registration is incomplete, the city shall notify the registrant and shall provide a reasonable period of time in which to complete the registration. If a registration is complete, the city shall so notify the utility in writing.
  4. Acceptance of the registration shall not convey title in the rights-of-way or in any way vest the utility with rights regarding same. Acceptance of the registration is only the nonexclusive, limited right to occupy rights-of-way in the city for the limited purposes stated in the acceptance. Acceptance of the registration does not excuse a utility from obtaining permits required by city ordinances nor from obtaining appropriate access or pole attachment agreements before using the facilities of others, including the city. Acceptance of the registration does not excuse a utility from notifying the city of any construction as required herein.
  5. Facilities in Place Without Registration. Beginning one (1) year after the effective date of this section, any facilities or part of a facility found in a right-of-way for which registration is required but has not been obtained unless specifically exempted by law, and for which no valid service agreement exists with the city, may be deemed to be a nuisance and an unauthorized use of the rights-of-way. The city may exercise any remedies or tights it has at law or in equity, including, but not limited to abating the nuisance; taking possession of the facilities; evicting the utility from the right-of-way; prosecuting the violator, and/or any other remedy provided by city ordinance or otherwise allowed in law or in equity.
- D. Construction Permits.
1. Permit Required. It is unlawful for any utility to excavate or to construct, install, maintain, renew, remove or relocate facilities in, on, along, over or under the public roads of the city without a utility permit in accordance with this section.
  2. Permit Procedure. Utility permits shall be obtained from the city manager, or his designee, upon application made on forms prescribed by the city. The written application shall include the following:
    - a. The name and address of the utility;
    - b. The nature, extent, and location of any work proposed to be done, along with satisfactory plans as attachments showing in detail the location of the proposed facility or operations as described in the permit application. The plans shall be prepared by an engineer licensed in the state of Georgia; show the size or capacity of facilities to be installed; their relationship to street features such as right-of-way lines, pavement edge, structures, etc., horizontal and vertical clearance to critical elements of the roadway and any other information necessary to evaluate the impact on the street and its operation;
    - c. The name and address of the person or firm who is to do such work;
    - d. The name, street address, mailing address, email address if applicable and telephone number and facsimile numbers of one (1) or more facilities representative(s);
    - e. The projected dates for the work to be started and finished;
    - f. An indemnity bond or other acceptable security in an amount to be set by the city to pay any damages to any part of the city road system or other city property or to any city employee or member of the public caused by activity or work of the utility performed under authority of the permit issued;



- d. Cancellation for Cause. If the utility fails to cure a default as described in the foregoing subsection within twenty (20) calendar days after such notice of default has been provided to the utility by the city, then such default shall be a material breach and the city may exercise any remedies or rights it has a law or in equity to terminate the permit. If the city decides there is cause or reason to terminate, the following procedures shall be followed:
    - i. The city shall serve a utility with a written notice of the reason or cause for proposed termination and shall allow a utility a minimum of fifteen (15) calendar days to cure its material breach.
    - ii. If the utility fails to cure the material breach within fifteen (15) calendar days (or if longer, within the timeframe set forth in the written notice above), the city may declare the permit terminated.
  - e. Expiration of Permit. If work is not begun within six (6) months from the date of issuance, the permit will automatically expire.
  - 7. As-Built Plans. Upon completion of the construction, excavation, installation, expansion, improvement, removal or relocation of its facility or facilities, the utility shall provide the city with as-built plans showing the exact location of the facility or facilities. If modifications, including but not limited to expansion, improvement, removal or relocation of facilities, are made the utility shall update the plans, noting all such modifications.
- (Ord. 08-196 § 1, 2008: Ord. 03-86 § 2, 2003)

### **8.08.221 - Required minimum standards.**

- A. Utility Accommodation Manual Adopted. The 1988 Utility Accommodation Policy and Standards Manual, including all references contained therein to codes, rules, regulations, schedules, forms and appendix items, except Appendix B (Permit Forms and supporting Documents), promulgated by the state of Georgia Department of Transportation, as may be amended from time to time is adopted by reference and incorporated in the article as if fully set forth herein, subject to the amendments and modification contained in this chapter. A copy of the manual shall be maintained at the offices of the director or his designee and open for public inspection. Any conflicts between the provisions of this article and the manual shall be resolved in favor of the manual. References to state personnel, agencies, and fees shall be interpreted, where required, as meaning the city of Stockbridge municipal equivalents.
- B. Utility Placement Standards. Exhibit "A" codified at the end of this article shall be the utility placement standards for the city with or without sidewalk and curbing. Such standards shall be updated from time to time by the city manager who will forward a copy of same to the county licensing department of Henry County.
- C. Minimum Interference.
  - 1. All transmission and distribution structures, pipes, mains, conduits, cables, wires poles, towers, traffic and other signals, lines and equipment erected within the city shall be located so as to cause minimum interference with the proper use of the streets and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of such streets.
  - 2. Unless specifically authorized in the permit, no utility may occupy the city rights-of-way unless sufficient space is available so that the free flow and safety of traffic and other capacity considerations are not unduly impaired and the installation does not prevent the city from reasonably maintaining the streets, structures, traffic control devices and other appurtenant facilities, and further provided that

maintenance and operations of the facilities do not jeopardize the traffic, street structure, other users of the right-of-way or the right-of-way itself.

- D. Grading. If the grades or lines of any street within the city right-of-way are changed at any time by the city during the term of the permit and this change involves an area in which the utility's facilities are located, then the utility shall, at its own expense and upon the request of the city, so long as provided a minimum of ten (10) business days notice, protect or promptly alter or relocate the facilities, or any part thereof, so as to conform with such new grades or lines. In the event the utility refuses or neglects to so protect, alter, or relocate all or part of the facilities, the city shall have the right to break through, remove, alter or relocate all or any part of the facilities without any liability to the utility and the utility shall pay to the city the costs incurred in connection with such breaking through, removal, alteration or relocation.
- E. Incorporation of the Georgia Utility Facility Act. As provided in Official Code of Georgia Annotated Section 25-9-6 (the Georgia Utility Facility Protection Act) and other applicable state law currently in place or as amended, no utility shall commence, perform or engage in blasting or excavating with mechanized excavating facilities or equipment unless and until the utility planning the blasting or excavating has given forty-eight (48) hour notice by submitting a locate request to the city and the state utility protection center, beginning the next business day after such notice is provided.
- F. Tree Trimming. A utility shall have the authority to trim trees overhanging the city streets so as to prevent the branches of such trees from coming into contact with the utility's facilities. All such trimming shall be done under the supervision and direction of the city and at the utility's expense.

(Ord. 08-196 § 2, 2008)

### **8.08.222 - Installation of poles and other wireholding structures— Removal or relocation of utility requested by city.**

- A. Installation of Poles and Other Wireholding Structures and Relocation.
  - 1. Unless otherwise provided in a valid service agreement, no placement of any pole or wireholding structure of the utility is to be considered a vested interest in the right-of-way, and such poles or structures are to be removed, relocated underground, or modified by the utility at its own expense whenever the city determines that the public convenience would be enhanced thereby, as further described in subsection B below. The facilities shall be so located and installed as to cause minimum interference with the rights and convenience of property owners.
  - 2. A utility shall not erect any poles or facilities within the streets of the city if other such poles or facilities already exist and are available to the utility under the terms of any applicable pole use agreements or service agreements, unless the utility can demonstrate a substantial economic or customer service justification for the construction of duplicative facilities.
- B. Notice to Remove.
  - 1. When the governing authority of the city shall reasonably determine that any facility of any utility, in, on, along, over, or under the public streets of the city should be removed or relocated, because it has become an obstruction or interference with the use and operation of a city street or will become an obstruction or interference with the use and safe operation of a city street which

the governing authority has undertaken to improve or intends to improve, a written notice shall be directed to the utility, giving at least thirty (30) days notice in which to make such change as is necessary for the removal or relocation as may be necessary.

2. Utility's Duties in Response to Notice to Remove. The removal or relocation shall be at the expense of the utility. If the utility does not thereafter begin removal within a reasonable time sufficient to allow for engineering and other procedures reasonably necessary to the removal and relocation of the utility facility, the city may give the utility a final notice directing that such removal shall commence not later than ten (10) calendar days from the receipt of such final notice. If such utility does not, within ten (10) calendar days from receipt of such final notice, begin to remove or relocate the facility, or, having so begun removal or relocation, thereafter fails to complete the removal or relocation within a reasonable time, the city may direct that its personnel remove or relocate the same or by employing or contracting for the necessary engineering, labor, tools, equipment, supervision, or other necessary services or materials and whatever else is necessary to accomplish the removal or relocation of said facility; and the expenses thereof shall be charged to said utility. Such expense shall be certified to the city attorney, who shall have the authority to proceed with suit against the utility for same if payment or arrangements to make payment are not made within sixty (60) calendar days after notice to the utility of the expenses incurred by the city therefore.

(Ord. 08-196 § 3, 2008)

#### **8.08.223 - Condition of work, responsibilities of utility and restoration of property.**

##### **A. Condition of Work.**

1. A utility shall replace and restore such city street and/or right-of-way to a condition as good as or better than that which existed before the utility's work was begun; provided, however, that where a cut disturbance is made in a section of sidewalk paving, the utility shall replace the full width of the existing walk and length of section cut, as such section is marked by expansion joints or scoring.
2. The utility shall maintain in good condition, for a period of one (1) year following such disturbance, all portions of a sidewalk or street repair it has completed, provided the maintenance or repair is made necessary due to the defective workmanship or materials supplied by the grantee. A utility's work, while in progress, shall be properly executed at all times with suitable barricades, flags, lights, flares or other devices as are reasonably required to protect the public using the streets or property involved.

##### **B. Liability.**

1. Each utility shall be responsible for the cost of repairing any facilities in the rights-of-way and adjoining property or other facilities which it or its facilities damage.
2. A utility shall be liable, at its own cost and expense, to replace, restore or repair any street, facilities or property or structure thereon, thereunder, thereover or adjacent thereto that may become disturbed or damaged as a result of the construction or installation, operation, upgrade, repair or removal of facilities to a condition as good as or better than its condition before the work performed by the utility that caused such disturbance or damage. If the utility does not commence such replacement or repair after twenty (20) calendar days following written notice from the city, the city or the owner of the affected structure or property may make

such replacement or repair and the utility shall pay the reasonable and actual cost of same.

- C. Indemnification. Each utility assumes all responsibility for and agrees to indemnify the city from and against any and all loss or damage or claims (including but not limited to expenses of litigation and attorney's fees) resulting from the negligent installation, maintenance or use of utility wires, cables, buried cables, appurtenances and facilities, and from any and all acts or omissions of the utility in connection therewith.
- D. Insurance. The utility shall carry insurance coverage to protect itself and the city from and against all claims, demands, actions, judgments, costs, expenses, attorney's fees and liabilities which may arise or result by reason of the utility's activities under this article. Said insurance shall specifically provide that the city shall be named as a loss insured. The amounts of such insurance against liability due to physical damage to property shall be not less than one hundred thousand dollars (\$100,000.00) as to any one (1) claim and not less than five hundred thousand dollars (\$500,000.00) aggregate in any single policy year; and against liability due to bodily injury or to death of persons, of not less than five hundred thousand dollars (\$500,000.00) as to all such claims arising from any one accident. The utility shall also carry such insurance as necessary to protect it and the city from all claims under the workers' compensation laws in effect that may be applicable to the utility. All insurance required by this section shall remain in full force and effect for the entire period of the utility's operation in the city. All policies of insurance, or certified copies thereof, and any amendments thereto shall be provided to the city.
- E. Notice of Loss. The utility shall make an immediate report to the city and to Henry County of the occurrence of any loss or damage to facilities or property of the city or others. The utility shall bear responsibility to repair and restore any property damaged or adversely affected by the installation, maintenance or repair undertaken by the utility, its employees, agents, or subcontractors, which shall include but is not limited to property of the city, other utilities, customers of the utility and adjoining landowners.

(Ord. 08-196 § 4, 2008)

### **8.08.224 - Inspection and other approvals.**

- A. Inspection.
  - 1. The utility shall make the construction site available to the city manager or his designee and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the construction.
  - 2. At any time, including the time of inspection, the city manager or his designee may order the immediate cessation of any work which poses a serious threat to the health, safety or welfare of the public, violates any law, or which violates the terms and conditions of the permit and/or this article, or issue an order to correct work which does not conform to the permit and/or applicable standards, conditions or codes.
- B. Other Approvals. The utility shall obtain all construction, building, or other permits or approvals as according to city ordinance, county ordinance, state law or federal law. In addition, a permittee shall comply with all requirements of laws, shall complete work in a way as to not cause any unnecessary or unauthorized obstruction of streets, sidewalks, waterways or railways, and is responsible for all work done in the rights-of-way related to said facility. No rights-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work, except in the case of an emergency as defined in this article.

(Ord. 08-196 § 5, 2008)

### 8.08.225 - Penalties.

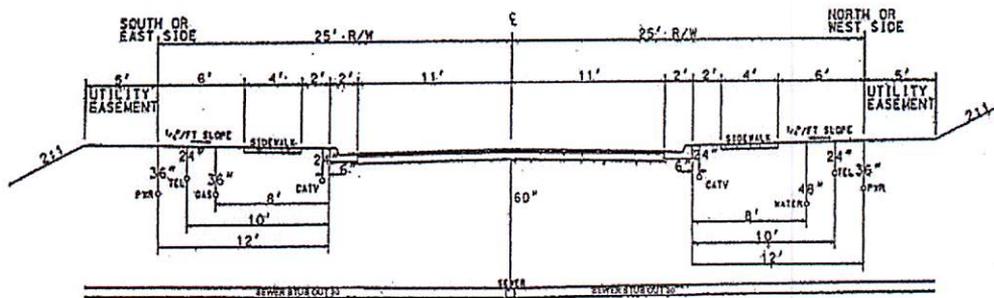
Every utility, including but not limited to the entity so named as well as any owner, operator, provider, servicer, contractor, subcontractor, or any agent thereof convicted of a violation of any provision of this article shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) per violation. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

(Ord. 08-196 § 6, 2008)

### EXHIBIT "A"

#### Utility Placement Standards

UTILITY PLACEMENT STANDARDS FOR CITY OF STOCKBRIDGE WITH OR WITHOUT SIDEWALK AND CURBING CROSS SECTION - U/G 50' R/W



- 1) NO TREES OR FENCES ALLOWED WITHIN THE ROAD RW OR UTILITY EASEMENT EXCEPT WHERE REQUIRED BY CITY, COUNTY OR OTHER GOVERNMENT ORDINANCE.
- 2) ALL TREES SHALL BE CLEARED & SHOULDERS GRADED TO WITHIN 6" OF FINAL GRADE (INCLUDING UTILITY EASEMENT) PRIOR TO THE INSTALLATION OF ANY UTILITIES.
- 3) UTILITY PLACEMENT SHALL REMAIN CONSISTENT FROM BACK OF CURB THROUGHOUT THE PROJECT REGARDLESS OF ANY INCONSISTENCIES IN ROAD CONSTRUCTION.  
EXAMPLES: STORM SEWERS, CULVERTS, CUL-DE-SACS, ETC ... (EXCEPT CATV).
- 4) AFTER VERIFICATION OF FINAL GRADE, UTILITIES SHOULD BE INSTALLED AS FOLLOWS: WATER, ELECTRIC, GAS, TELEPHONE, & CATV.
- 5) TOTAL CLEARED AND GRADED WIDTH TO BE 60' MINIMUM.

- 6) PROPERTY CORNER REFERENCE SHALL BE PLACED ON CURB AND GUTTER AND ON 10' OFFSET STAKE.
- 7) UTILITY EASEMENT SHALL BE SHOWN AND RECORDED WITH THE FINAL PLAT.
- 8) WATER TAPS SHALL BE STUBBED OUT AT 3' BACK OF R/W.  
SEWER TAPS SHALL BE STUBBED OUT AT 5' BACK OF R/W.
- 9) WATER LATERALS SHALL BE MARKED WITH BLUE "W" ON CURB AS SOON AS POSSIBLE AFTER CURB HAS BEEN INSTALLED. SEWER LATERALS SHALL BE MARKED WITH GREEN "X" ON CURB.
- 10) DEPTH REQUIREMENTS INDICATE MINIMUM DEPTH AT TIME OF INSTALLATION.
- 11) THIS STANDARD MAY BE COMBINED WITH JOINT USE STANDARD.
- 12) CATV PEDESTALS, TELEPHONE PEDESTALS, TRANSFORMERS AND WATER METERS SHALL BE PLACED IN THE 5' UTILITY EASEMENT.
- 13) UTILITIES SHALL BE LOCATED WITHIN PLUS OR MINUS 6" OF PLAN LOCATION.

**8.04.080—8.04.140 - Reserved.**