

## Chapter 18

### **BUILDINGS AND BUILDING REGULATIONS\***

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\***Cross references**—Environment, ch. 38; planning, ch. 46; signs, ch. 50; solid waste, ch. 54; utilities, ch. 70; zoning and subdivision regulations, app. A.

**State law references**—Water efficiency requirements, O.C.G.A. § 8-2-1 et seq.; construction standards generally, O.C.G.A. § 8-2-1 et seq.; flow-rate restrictions on plumbing fixtures, O.C.G.A. § 8-2-3; minimum state construction codes, O.C.G.A. § 8-2-25; enforcement of minimum state construction codes, O.C.G.A. § 8-2-26; fire escapes in buildings, O.C.G.A. § 8-2-50; Water Well Standards Act of 1985, O.C.G.A. § 12-5-120; access to and use of public facilities by physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; ordinances relating to repair, closing and demolition of dwellings unfit for human habitation or buildings or structures that imperil health, safety or morals, O.C.G.A. § 36-61-11; authority to demolish structures where drug crimes are committed, O.C.G.A. § 41-2-7; authority to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7; county or municipal ordinances relating to unfit buildings or structures, O.C.G.A. § 41-2-9 et seq.; authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12).



**ARTICLE I. IN GENERAL****Sec. 18-1. Permanent foundations.**

(a) Any dwelling constructed within the city or moved into the city, whether the dwelling is a mobile home, modular home, double-wide home, or dwelling constructed from materials brought to the dwelling location, shall have a permanent foundation completely enclosing the foundation of the dwelling.

(b) A permanent foundation is defined as a masonry foundation, constructed with materials consisting of either concrete blocks, bricks or concrete. The entire foundation area shall be completely enclosed by such masonry materials.

(c) All temporary apparatus or hauling apparatus contained on modular homes, double-wides or mobile homes that are allowed to exist within the city shall be removed from the dwelling or completely enclosed and concealed within the permanent foundation of the dwelling. Hauling apparatus and temporary apparatus shall include trailer tongues, wheels, axles and other paraphernalia used in the hauling or delivery of modular homes, double-wides or mobile homes to the building site.

(d) This section shall not be construed to allow mobile homes or any other type of temporary homes which are prohibited by zoning ordinances of the city.

(e) Violators of this article shall, upon conviction, be punished as provided in section 1-12.

(f) If any dwelling is, or is proposed to be, erected, constructed or used within the city in violation of this section, the city zoning officer, city attorney or other appropriate authority of the city may, in addition to other remedies, institute injunction or other appropriate action or proceeding to prevent such unlawful erection, construction or use or to correct or abate such violation or to prevent the occupancy of the dwelling.

(Ord. of 11-4-1985, §§ 1—6)

**Secs. 18-2—18-30. Reserved.**

**ARTICLE II. CONSTRUCTION CODES\*****Sec. 18-31. Codes adopted.**

The following technical building and construction codes are adopted by reference and may be amended for later editions as required by the Georgia Uniform Codes Act, O.C.G.A. § 8-2-25:

- (1) Standard Building Code (SBCCI).
- (2) National Electrical Code as published by the National Fire Protection Association.

**\*Editor's note**—The city has entered into an agreement with the county whereby the county issues building permits, performs building inspections, and collects permit fees on behalf of the city.

**State law reference**—Minimum state construction codes, O.C.G.A. § 8-2-25.

- (3) Standard Gas Code (SBCCI).
- (4) Standard Mechanical Code (SBCCI).
- (5) Standard Plumbing Code (SBCCI).
- (6) Council of American Building Officials' One- and Two-Family Dwelling Code, with the exception of part V—Plumbing (chapters 20—25) of such code.
- (7) Georgia State Energy Code for Buildings as adopted by the state building administrative board pursuant to 1978 Ga. Laws, page 2212, as such code exists on September 30, 1991.
- (8) Standard Fire Prevention Code (SBCCI).

The permit fees shall be as set forth in the schedule of fees and charges.  
(Ord. of 12-4-1995(1))

**Sec. 18-32. Administrative procedures and penalties.**

(a) *Purpose.* This article is hereby declared to be remedial, and shall be constructed to secure the beneficial interest and purposes thereof, which are public safety, health, general welfare, through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

(b) *Permitting and inspection.* The inspection or permitting of any building, system or plan by any jurisdiction, under the requirements of this article, shall not be construed in any court as a warranty of the physical condition of such building, system or plan of their adequacy. No jurisdiction or any employee of such building, system or plan shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan or for any failure of any component of such, which may occur subsequent to such inspection or permitting.

(c) *Applicability.* Where, in any specific case, different sections of the codes adopted in this article 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.

(d) *Building department.* There is hereby established a department to be called the building department and the person in charge shall be known as the building official.

(e) *Records.* The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

(f) *Liability.* Any officer or employee charged with the enforcement of this article, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that

may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provisions of this article shall be defended by the department of law until the final termination of the proceedings.

(g) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or 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 this article, provided that if such building or premises is occupied, he shall file present proper credentials and request entry. If such building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such building or premises and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry. 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 property request is made in accordance with this section, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this article.

(h) *Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this article or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

(i) *Misrepresentation of application.* The building official may revoke a permit or approval, issued under the provisions of this article, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(j) *Violation of code provisions.* The building official may revoke a permit, upon determination by the building official, that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this article.

(k) *Permit application.* Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical

or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work.

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

(m) *Prescribed fees.* A permit shall not be issued until the fees prescribed in the schedule of fees and charges have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, has been paid.

(n) *Accounting.* The building official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the name of all persons upon whose account the same was paid, along with the date and amount thereof.

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

**Sec. 18-33. Self-inspection exemption.**

The mayor and council, pursuant to 1996 Ga. Laws, page 1632, exempts the city from the alternative inspection procedure as set forth in O.C.G.A. § 8-2-26(d).

**Secs. 18-34—18-55. Reserved.**

**ARTICLE III. FLOW-RATE RESTRICTIONS ON PLUMBING FIXTURES\***

**Sec. 18-56. 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:

*Commercial* means any type of building other than residential.

\***State law reference**—Flow-rate restrictions on plumbing fixtures, O.C.G.A. § 8-2-3.

*Construction* means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable or obsolete faucet, showerhead, toilet or urinal in an existing building.

*Residential* means any building or unit of a building intended for occupancy as a dwelling, but shall not include a hotel or motel.

(Ord. of 11-6-1995)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 18-57. Enforcement.**

(a) This article shall be enforced by the office of the building official. Citations for violations may be issued by the building official of the city.

(b) Any person, corporation, partnership or other entity violating this article shall be tried before the municipal court of the city. Violators of this article shall, upon conviction, be punished as provided in section 1-12.

(Ord. of 11-6-1995)

**Sec. 18-58. Prohibited fixtures.**

No construction may be initiated within the city for any building of any type which employs:

- (1) A gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush;
- (2) A showerhead that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;
- (3) A urinal that uses more than an average of 1.0 gallon of water per flush;
- (4) A lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or
- (5) A kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

(Ord. of 7-1-1992; Ord. of 11-6-1995)

**Sec. 18-59. When effective.**

The requirements of section 18-58 shall apply to any construction initiated after July 1, 1991, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

(Ord. of 11-6-1995)

**Sec. 18-60. Exemptions.**

(a) New construction and the repair or renovation of an existing building shall be exempt from the requirements of this article when:

- (1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewerage system servicing toilets, faucets or showerheads within such existing buildings;
- (2) When such plumbing or sewerage system within such existing building, because of its capacity, design or installation, would not function properly if the toilets, faucets or showerheads required by this article were installed;
- (3) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
- (4) Units to be installed are:
  - a. Specifically designed for use by the handicapped;
  - b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
  - c. Toilets for juveniles in schools, institutions, etc., not residential.

(b) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsection (a)(2), (3) or (4) of this section shall apply for such exemption at the office of the building official. A fee as established by the mayor and council shall be charged for the inspection and issuance of such exemption. (Ord. of 11-6-1995)

**Secs. 18-61—18-79. Reserved.**

**ARTICLE IV. MINIMUM HEALTH AND SAFETY STANDARDS FOR PRE-OWNED MANUFACTURED HOMES**

**Sec. 18-80. Definitions.**

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

*Applicant* means any person seeking to install a pre-owned manufactured home in the city limits of the City of Gray.

*Building inspector* means the person appointed, employed, or otherwise designated as the director of planning, permits and inspections; the municipal building official or any of his or her assistants.

*Certificate of occupancy* means a document issued by the building inspector certifying that a pre-owned manufactured home is in compliance with applicable requirements set forth by this article, and indicating it to be in a condition suitable for residential occupancy.

*Guarantee of condition bond* means a surety bond to guarantee that the affidavit and photographs required by paragraphs (1) and (2) of subsection (a) of section 18-82 of this article reasonably portray or represents the existing condition of the pre-owned manufactured home proposed for relocation. In lieu of the bond, a cash deposit may be deposited with the city.

*Install* means to construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.

*Jurisdiction* means the areas within the city limits of the City of Gray, Georgia.

*Manufactured home* means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

*Pre-owned manufactured home* means any manufactured home that has been previously used as a residential dwelling and has been titled.  
(Ord. No. 11-O-002, 2-7-2011)

#### **Sec. 18-81. Conditions.**

All pre-owned manufactured homes located in the jurisdiction shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. (the HUD Code) and shall be installed in accordance with O.C.G.A. § 8-2-160, et seq.  
(Ord. No. 11-O-002, 2-7-2011)

#### **Sec. 18-82. Permitting, inspection, certificate of occupancy and fees.**

A permit shall be required to locate a pre-owned manufactured home in the jurisdiction.

- (1) *Permit.* To obtain a permit, Applicants shall provide to the building inspector:
  - a. An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this Act;
  - b. Photographs of the interior and exterior of the pre-owned manufactured home providing evidence that the home meets the minimum health and safety standards of section 18-83 of this article;

- c. A \$750.00 refundable guarantee of condition bond or \$750.00 refundable cash deposit; and
  - d. The permit and inspection fee required by subsection (d) of this section.
- (2) *Inspection.* Upon receipt of a permit, applicants may relocate the manufactured home on a residential site for the purposes of inspection. Applicant shall arrange for an inspection to be held once the installation of the manufactured home is complete.
  - (3) *Certificate of occupancy.* A certificate of occupancy shall be issued to the applicant at such time that the building inspector certifies that the requirements of this article have been met.
  - (4) *Fee.* A permit and inspection fee of 30 cents times the square footage of the manufactured home shall be charged to the applicant to cover the cost to the city to process the permit application and inspect the pre-owned manufactured home. Such fee shall cover the initial inspection and one follow-up inspection. The applicant shall be charged an additional inspection fee of 15 cents times the square footage of the manufactured home for each additional follow-up inspection that may be necessary.
  - (5) *Alternative inspection.* At the request of the Applicant, the building inspector may, at his or her discretion, inspect a pre-owned manufactured home prior to its being relocated if the home is then located at another site within the city.
- (Ord. No. 11-O-002, 2-7-2011)

**Sec. 18-83. Minimum health and safety standards.**

All preowned manufactured homes shall comply with the following before being issued a certificate of occupancy by the building inspector:

- (1) *HUD Code.* Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.
- (2) *Interior condition.* Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.
- (3) *Exterior condition.* The exterior of all pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
- (4) *Sanitary facilities.* Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected,

and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

- (5) *Heating systems.* Heating shall be safe and in working condition. Un-vented heaters shall be prohibited.
- (6) *Electrical systems* (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded. Each pre-owned manufactured home shall contain a water heater in safe and working order.
- (7) *Hot water supply.* Each home shall contain a water heater in safe and working condition.
- (8) *Egress windows.* Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.
- (9) *Ventilation.* The kitchen in the home shall have at least one operating window or other ventilation device.
- (10) *Smoke detectors.* Each pre-owned manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.

(Ord. No. 11-O-002, 2-7-2011)

#### **Sec. 18-84. Enforcement.**

(a) Permanent connection to utilities shall not be approved until the building inspector has issued a certificate of occupancy.

(b) Owners of pre-owned manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the home from the jurisdiction at their own expense.

(c) The guarantee of condition bond or cash deposit will be forfeited after 90 days from the date of inspection, unless all conditions and standards are met prior to the end of the 90 days or an extension has been issued in writing by the building inspector.

(Ord. No. 11-O-002, 2-7-2011)

#### **Sec. 18-85. Penalties.**

Failure to remove a pre-owned manufactured home from the jurisdiction upon failure to receive a certificate of occupancy shall be punishable by a fine of \$500.00. Each day any violation under this article continues shall be considered a separate offense.

(Ord. No. 11-O-002, 2-7-2011)



Chapters 19—21

**RESERVED**

