

Chapter 7 BUILDINGS AND BUILDING REGULATIONS¹

ARTICLE I. IN GENERAL

Secs. 7-1—7-18. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 7-19. Definitions.

For the purposes of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined in chapter 2 of the various construction codes, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, publish date June 1, 2002 (ISBN: 0877792011), shall be considered as providing ordinarily accepted meanings.

Agent or *authorized agent* means any individual, organization or legal entity authorized to act on behalf of the owner or person in control of any building, structure or system regulated by this chapter, and shall include, but shall not be limited to, any person, contractor, organization, or legal entity hired or contracted to perform any work or service that is regulated by this chapter.

Approved means approved by the code official or other authority having jurisdiction.

Approved agency means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, where the agency has been approved by the code official.

Building official means director of permits and inspections.

Code official means director of permits and inspections.

Department of building safety means the county permits and inspections department.

Department of electrical inspection means the county permits and inspections department.

Department of inspection means the county permits and inspections department.

Department of mechanical inspection means the county permits and inspections department.

Department of plumbing inspection means the county permits and inspections department.

Department of property maintenance inspection means the county permits and inspections department.

Deputy building official means assistant director of permits and inspections.

Deputy code official means assistant director of permits and inspections.

¹State law reference(s)—Building, electrical and other codes, O.C.G.A. § 36-13-1 et seq.; state building codes, O.C.G.A. § 8-2-20 et seq.

Disaster means a sudden grave occurrence caused by fire, flood, tornado, vehicular impact, civil disorder, acts of terrorism or other natural or manmade event having ruinous results that negatively affects public safety, health or general welfare.

Listed and listing means equipment, appliances or materials included in a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of listed equipment, appliances or materials, and whose listing states either that the equipment, appliances or materials meet nationally recognized standards, or has been tested and found suitable for use in a specified manner. Not all testing laboratories, inspection agencies and other organizations concerned with product evaluation use the same means for identifying listed equipment, appliances or materials. Some do not recognize equipment, appliances or materials as listed unless they are also labeled. The authority having jurisdiction shall utilize the system employed by the listing organization to identify a listed product.

Occupancy means the purpose for which a building, or part thereof, is utilized or occupied.

(Code 1992, § 5-1; Ord. No. 2006-16, § 2, 12-14-2006; Ord. No. 2008-11, § 1, 12-3-2008; Ord. No. 2019-03, § 1, 4-23-2019)

Sec. 7-20. Copyright acknowledgment.

Portions of this chapter have been reproduced with permission from the International Building Code®, International Residential Code®; for One- and Two-Family Dwellings, International Mechanical Code®, International Plumbing Code®, International Code Council Electrical Code®, and International Fuel Gas Code®, and the International Property Maintenance Code®; and International Existing Building Code®; copyrighted and owned by the International Code Council, Inc.

(Code 1992, § 5-2; Ord. No. 2006-16, § 2, 12-14-2006; Ord. No. 2019-08, § 1, 11-14-2019)

Sec. 7-21. Insertions.

Insertions required by this Code that are not addressed by the Georgia State Amendments shall be established by the building official as a written directive.

(Code 1992, § 5-3; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-22. Adoption of Construction Codes.

The following codes, as amended from time to time by the state, are hereby adopted as the construction codes for the county, except for those administrative and enforcement sections where are provided for herein:

- (1) International Building Code (ICC).
- (2) National Electrical Code (NFPA).
- (3) International Fuel Gas Code (ICC).
- (4) International Mechanical Code (ICC).
- (5) International Plumbing Code (ICC).
- (6) International Residential Code for One- and Two-Family Dwellings (ICC).
- (7) International Energy Conservation Code (ICC).
- (8) International Fire Code (ICC).
- (9) International Existing Building Code (ICC).

(10) International Property Maintenance Code (ICC).

- a. *302.4. Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of 14 inches (exception listed below). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include, crops, cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.
- b. *Exception.* Any property being used for the purpose of agricultural purposes, including but not limited to the raising and/or feeding of grazing animals and the cutting of grass for hay.

(Code 1992, § 5-4; Ord. No. 2008-11, § 2, 12-3-2008; Ord. No. 2013-14, § 1, 10-10-2013)

State law reference(s)—Adoption by reference, O.C.G.A. § 36-13-3; state building codes, O.C.G.A. § 8-2-20 et seq.

Secs. 7-23—7-47. Reserved.

DIVISION 2. APPLICABILITY

Sec. 7-48. Generally.

Where, in any specific case, different sections of this chapter 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.

(Code 1992, § 5-11; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-49. Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

(Code 1992, § 5-12; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-50. Referenced codes and standards.

- (a) The codes and standards referenced in this chapter shall be considered part of the requirements of this chapter to the prescribed extent of each such reference. Where differences occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter shall apply.
- (b) Exception. Where enforcement of a chapter provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

(Code 1992, § 5-14; Ord. No. 2006-16, § 2, 12-14-2006)

Secs. 7-51—7-73. Reserved.

DIVISION 3. ENFORCEMENT OF CODES

Sec. 7-74. Creation of enforcement agency.

The permits and inspections department is hereby delegated the authority for the enforcement of the construction codes and the official in charge thereof shall be known as the building official.

(Code 1992, § 5-21; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-75. Appointment.

The building official shall be appointed by the county board of commissioners.

(Code 1992, § 5-22; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-76. Deputies.

In accordance with the prescribed procedures of the county and with the concurrence of the county board of commissioners, the building official shall have the authority to appoint, deputize, promote, demote, and remove a deputy building official, the related technical officers, inspectors, plan examiners and other employees as may be necessary to carry out the functions of the department of building safety. Such employees shall have the powers as delegated by the building official. For maintenance of existing properties, see the International Property Maintenance Code.

(Code 1992, § 5-23; Ord. No. 2006-16, § 2, 12-14-2006)

Secs. 7-77—7-95. Reserved.

DIVISION 4. DUTIES AND POWERS OF THE BUILDING OFFICIAL

Sec. 7-96. General.

The building official is hereby authorized and directed to enforce the provisions of this chapter. The building official, deputy building official, plans examiners and inspectors shall have the authority to exercise police powers for the purposes of enforcing the provisions of this chapter. The building official shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter. The code official shall enforce the provisions of this chapter and shall act on any question relative to the installation, alteration, repair, maintenance or operation of fuel gas systems, mechanical systems, and plumbing systems, except as otherwise specifically provided for by statutory requirements or as provided for in this chapter.

(Code 1992, § 5-31; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-97. Rule-making authority.

The code official shall have authority as necessary in the interest of public health, safety and general welfare to adopt and promulgate rules and regulations to interpret and implement the provisions of this chapter to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this chapter, or of violating accepted engineering practice involving public safety.

(Code 1992, § 5-32; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-98. Applications and permits.

- (a) *Procedure.* The building official shall receive applications, review construction documents and issue permits for the erection, repair, alteration, addition, demolition, change of occupancy, and relocation of buildings and structures; installation of electrical systems and equipment; installations and alterations of fuel gas systems, mechanical systems, and plumbing; inspect the premises for which such permits have been issued; and enforce compliance with the provisions of this chapter.
- (b) *Preliminary meeting.* When requested by the permit applicant, the building official shall meet with the permit applicant prior to the application for a construction permit to discuss plans for the proposed work or change of occupancy in order to establish the specific applicability of the provisions of this chapter. Exception: Repairs and level 1 alterations.
- (c) *Building evaluation.* The building official is authorized to require an existing building to be investigated and evaluated by a registered design professional based on the circumstances agreed upon at the preliminary meeting to determine the existence of any potential nonconformance with the provisions of this chapter.
- (d) *Remedies for outstanding violations.* The remaining provisions of this chapter notwithstanding, the building official is authorized to withhold the issuance of building permits, and/or refuse inspections to any permittee, and any business or person which is legally or organizationally related to the permittee, until such time as such permittee has resolved satisfactorily all outstanding violations from previously issued permits.

(Code 1992, § 5-33; Ord. No. 2006-16, § 2, 12-14-2006; Ord. No. 2008-03, § 1, 4-10-2008)

Sec. 7-99. Notices and orders.

The building official shall issue all necessary notices or orders to ensure compliance with this chapter. Citations necessary for the enforcement of this chapter shall be prepared and served by the county marshal's office as directed by the building official.

(Code 1992, § 5-34; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-100. Inspections.

The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the county board of commissioners.

(Code 1992, § 5-35; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-101. Identification.

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter.

(Code 1992, § 5-36; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-7. Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this chapter which makes the structure or premises unsafe, unsanitary, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(Code 1992, § 5-37; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-103. Department records.

The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence unless otherwise provided for by other regulations.

(Code 1992, § 5-38; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-104. Liability.

The building official or employee charged with the enforcement of this chapter, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this chapter shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this chapter.

(Code 1992, § 5-39; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-105. Approved materials and equipment.

- (a) Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.
- (b) Used materials and equipment. The use of used materials which meet the requirements of this chapter for new materials is permitted. Used equipment and devices shall not be reused unless such elements have been reconditioned, tested, placed in good and proper working condition and approved by the building official.

(Code 1992, § 5-40; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-106. Modifications.

- (a) Wherever there are practical difficulties involved in carrying out the provisions of this chapter, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this chapter impractical and the modification is in compliance with the intent and purpose of this chapter and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.
- (b) Areas prone to flooding. The building official shall not grant modifications to any provision related to areas prone to flooding as established by table R301.2(1) of the International Residential Code without the granting of a variance to such provisions by the county board of commissioners.

(Code 1992, § 5-41; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-107. Alternative materials, design and methods of construction and equipment.

- (a) *Applicability.* The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this chapter, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.
- (b) *Research reports.* Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this chapter, shall consist of valid research reports from approved sources.
- (c) *Tests.* Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

(Code 1992, § 5-42; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-108. Coordination of inspections.

Whenever in the enforcement of this chapter or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

(Code 1992, § 5-43; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-109. Cooperation of other officials and officers.

The building official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this chapter or other pertinent law or ordinance.

(Code 1992, § 5-44; Ord. No. 2006-16, § 2, 12-14-2006)

Secs. 7-110—7-131. Reserved.

DIVISION 5. BOARD OF APPEALS

Sec. 7-132. Generally.

The board of commissioners of the county (the "board") shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this chapter. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

(Code 1992, § 5-51; Ord. No. 2006-16, § 2, 12-14-2006)

Sec. 7-133. Limitation on authority.

An application for appeal shall be based on a claim that the true intent of this chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this chapter do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this chapter.

(Code 1992, § 5-52; Ord. No. 2006-16, § 2, 12-14-2006)

Secs. 7-134—7-164. Reserved.

ARTICLE III. PROCEDURES FOR ADMINISTRATION OF THE BUILDING CODE

DIVISION 1. GENERALLY

Sec. 7-165. Applicability.

The provisions of this article apply to the International Building Code, as adopted in section 7-22. In this article the term "building code" means the International Building Code as adopted in section 7-22.

(Code 1992, § 5-101; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-166. Scope.

- (a) *Applicability.* The provisions of the building code shall apply to the construction, alteration, movement, enlargement, replacement, 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.

- (b) *Exception.* Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.
- (c) *Appendices.* Provisions in the appendices of the International Building Code shall not apply unless specifically adopted.

(Code 1992, § 5-7; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-167. Intent.

- (a) *Purpose.* The purpose of the building code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations. The purpose of the building code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of the building code.
- (b) *Public duty, warranty and quality control.* The permitting, plans examination or inspection conducted with regard to a building or structure in accordance with the building code constitutes a public duty and does not warrant or ensure the absence of any hazard, deficiency or other matter. Any duty created by or based on the building code is transferred to the public, and no private cause of action is created by a breach of such duty. The building code shall not be construed to relieve from or lessen the responsibility of any person, firm or corporation owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the department of building safety or the county be held as assuming any such liability by reason of the inspections or plans examinations authorized by the building code or any permits or certificates issued under the building code. The building official checks for substantial compliance with the building code, but reviews and inspections performed by the building official pursuant to this Chapter do not create any guarantee or warranty that buildings, structures or service equipment have been constructed in accordance with all provisions of the building code. The permitting, plans examination, or inspection of any building, structure, system, element, or construction document shall not be construed as a warranty of the physical condition or adequacy of such building, structure, system, element, or construction document, including without limitation a representation or warranty that a building or structure is complete, that it is in compliance with the building code or any other law, that it was inspected, that it is safe or ready for occupancy or that it meets any particular degree of quality or workmanship. Quality control of materials and workmanship is not within the purview of the building code except as it relates to the purposes stated therein. The amount and quality of inspection and other services provided is discretionary with the building official and may vary in response to the amount of staff, work load, training and experience, funding and other pertinent factors affecting whether and how inspection is made or whether any hazard, deficiency or similar matter is observed.

(Code 1992, § 5-103; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-168. Referenced codes.

The other codes listed in subsections (1) through (7) of this section and referenced elsewhere in the building code shall be considered part of the requirements of the building code to the prescribed extent of each such reference.

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- (1) *Electrical.* The provisions of the ICC Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.
 - (2) *Gas.* The provisions of the International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in the building 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.
 - (3) *Mechanical.* The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.
 - (4) *Plumbing.* The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water sewage system and all aspects of a medical gas system.
 - (5) *Property maintenance.* The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.
 - (6) *Fire prevention.* The provisions of the International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.
 - (7) *Energy.* The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.
 - (8) *Swimming pools and spas.* The provisions of the International Swimming Pool and Spa Code shall apply to all matters concerning the construction, alteration, movement, renovation, replacement and maintenance of aquatic vessels.

(Code 1992, § 5-104; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2019-08 , § 2, 11-14-2019)

Sec. 7-169. Existing structures.

The legal occupancy of any structure existing on the date of adoption of the building code shall be permitted to continue without change, except as is specifically covered in the building code, the International Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(Code 1992, § 5-105; Ord. No. 2006-16, § 3, 12-14-2006)

Secs. 7-170—7-191. Reserved.

DIVISION 2. PERMITS

Sec. 7-192. Required.

Any owner or authorized agent who intends 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 building code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. If a licensed contractor performs construction without obtaining any necessary permit, there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this jurisdiction.

(Code 1992, § 5-111; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-193. Work exempt from permit.

Exemptions from permit requirements of the building code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the building code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

(1) *Building:*

- a. One-story detached accessory structures less than 200 square feet (18.58 m²) used as tool and storage sheds, playhouses and similar uses.
- b. Fences not over six feet (1,829 mm) high.
- c. Oil derricks.
- d. 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.
- e. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
- f. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- g. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- h. Temporary motion picture, television and theater stage sets and scenery.
- i. Aquatic vessels designed to be filled and drained daily, and that are not connected to a circulatory system.
- j. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- k. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- l. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
- m. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.

(2) *Electrical.*

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- a. *Repairs and maintenance.* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - b. *Radio and television transmitting stations.* The provisions of the building 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.
 - c. *Temporary testing systems.* A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
- (3) *Gas.*
- a. Portable heating appliance.
 - b. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.
- (4) *Mechanical.*
- a. Portable heating appliance.
 - b. Portable ventilation equipment.
 - c. Portable cooling unit.
 - d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the building code.
 - e. Replacement of any part that does not alter approval or make it unsafe.
 - f. Portable evaporative cooler.
 - g. Self-contained refrigeration system containing ten pounds (5 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
- (5) *Plumbing.*
- a. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the building code.
 - b. 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.
- (6) *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. For the purposes of this section, emergency shall be defined as an unexpected situation requiring prompt action to safeguard life or limb, health, property and public welfare. This section shall not be construed as allowing work to be done without a permit to restore comfort and convenience items, equipment or systems. Emergency work performed shall not be done contrary to the provisions of the building code.
- (7) *Repairs.* Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the
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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.

- (8) *Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

(Code 1992, § 5-112; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2007-04, § 1, 3-22-2007; Ord. No. 2019-08, § 3, 11-14-2019)

Sec. 7-194. Application for permit.

- (a) *Required.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:
- (1) Identify and describe the work to be covered by the permit for which application is made.
 - (2) 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 definitely locate the proposed building or work.
 - (3) Indicate the use and occupancy for which the proposed work is intended.
 - (4) Be accompanied by construction documents and other information as required in division 3 of this article.
 - (5) State the valuation of the proposed work.
 - (6) Be signed by the applicant or the applicant's authorized agent.
 - (7) Give such other data and information as required by the building official.
- (b) *Action on application.* The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of the building code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.
- (c) *Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, 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 extension of time for an additional period not exceeding 180 days. No application shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. A request for an extension must be received by the building official prior to the expiration of the application. The building official is not required to notify the applicant prior to the application's expiration or that the application has expired.

(Code 1992, § 5-113; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-195. Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the building code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the building code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not

prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of the building code or of any other ordinances of this jurisdiction.

(Code 1992, § 5-114; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-196. Expiration.

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. A minimum of one inspection approval must be obtained as evidence that work was commenced or that work has continued. The determination as to whether work was suspended shall be based on the most recent inspection approval date. The building official is authorized to grant, in writing, one extension of time for an additional period of not more than 180 days provided no changes have been made or will be made in the original construction documents for such work. No permit shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. Requests for extensions must be received by the building official prior to the expiration of the permit. The building official is not required to notify the permittee prior to the permit's expiration or that the permit has expired. The fee for an extension shall be one-half the amount required for a new permit for such work.

(Code 1992, § 5-115; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-197. Suspension or revocation.

The building official is authorized to suspend or revoke a permit issued under the provisions of the building code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of the building code.

(Code 1992, § 5-116; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-198. Placement of permit.

Work for which a permit is required shall not be commenced until the building permit or copy thereof is posted on the site of the work until the completion of the project. The posted permit shall be visible from the street and maintained in such location by the permittee until final approval has been granted by the building official.

(Code 1992, § 5-117; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-199. Responsibility.

It shall be the duty of every person who performs work for which the building code is applicable, to comply with the building code.

(Code 1992, § 5-118; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-200. Approved construction documents.

Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the building official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the building official.

(Code 1992, § 5-119; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2019-08 , § 4, 11-14-2019)

Sec. 7-201. Work without a permit: investigation required.

Whenever any work for which a permit is required has been commenced without first obtaining said permit, a stop work order shall be issued pursuant to Division 9 of this article and a special investigation shall be made before a permit may be issued for such work.

(Code 1992, § 5-120; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2019-08 , § 5, 11-14-2019)

Secs. 7-202—7-225. Reserved.

DIVISION 3. CONSTRUCTION DOCUMENTS

Sec. 7-226. Submittal documents.

- (a) *Special conditions.* Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.
- (b) *Exception.* 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 the building code.
- (c) *Information on construction documents.* Construction documents shall be dimensioned and drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. 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 the building code and relevant laws, ordinances, rules and regulations, as determined by the building official. Sketches and pencil or other erasable media used to prepare construction documents shall not be accepted by the building official.
- (d) *Policies and procedures.* The building official shall establish policies and procedures for the minimum standards of acceptance for construction documents.
- (e) *Fire protection system shop drawings.* Shop drawings for the fire protection systems shall be submitted to indicate conformance with the building 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 chapter 9.
- (f) *Means of egress.* The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the building 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.
- (g) *Exterior wall envelope.* Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the building code. 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.

- (h) *Manufacturer's installation instructions.* 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.

(Code 1992, § 5-131; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-227. Site plan.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing 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.

(Code 1992, § 5-132; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-228. Examination of documents.

The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the building code and other pertinent laws or ordinances.

- (1) *Approval of construction documents.* When the building official issues a permit, the construction documents shall be approved, in writing or by a 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.
- (2) *Previous approvals.* The building code 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 the building code and has not been abandoned.
- (3) *Phased approval.* 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 the building 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.

(Code 1992, § 5-133; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-229. Design professional in responsible charge.

- (a) *Generally.* 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. Where structural observation is required, the statement of special instructions shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.
- (b) *Deferred submittals.* For 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. 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. 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 been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

(Code 1992, § 5-134; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-230. Amended construction documents.

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. Willful and prejudicial departure from or disregard of construction documents in any material respect without the approval of the building official is unlawful.

(Code 1992, § 5-135; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-231. Retention of construction documents.

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.

(Code 1992, § 5-136; Ord. No. 2006-16, § 3, 12-14-2006)

Secs. 7-232—7-255. Reserved.

DIVISION 4. FEES

Sec. 7-256. Payment of fees.

A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(Code 1992, § 5-141; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-257. Schedule of permit and other fees.

- (a) *Schedule.* On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit or other designated activity shall be paid as required, in accordance with the schedule as established by the board of commissioners of the county.
- (b) *Investigation fees: work without a permit.* Where work, for which a permit is required, has been commenced prior to obtaining a permit, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the building code. The minimum investigation fee shall be the same as the minimum permit fee set forth in accordance with the schedule as established by the board of commissioners of the county. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the building code nor from any penalty prescribed by law.

(Code 1992, § 5-142; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-258. Building permit valuations.

The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of the work, including materials and labor, for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

(Code 1992, § 5-143; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-259. Related fees.

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.

(Code 1992, § 5-144; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-260. Refunds.

- (a) The building official is authorized to establish a refund policy.
- (b) Refunds shall not be given:
 - (1) For an application or permit that has expired.
 - (2) If more than 180 days has elapsed from the application submittal date.

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- (3) If more than 180 days has elapsed from the permit issuance date.
 - (4) For that component of the permit fee which is representative of the development impact fee.
 - (5) For plan reviews already performed.
 - (6) If an inspection has been performed.

(Code 1992, § 5-145; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2019-08, § 6, 11-14-2019)

Secs. 7-261—7-283. Reserved.

DIVISION 5. INSPECTIONS

Sec. 7-284. Generally.

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the building code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the building code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. 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.

(Code 1992, § 5-151; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-285. Preliminary inspection.

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

(Code 1992, § 5-152; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-286. Required inspections.

The building official, upon notification, shall make the inspections set forth in this section.

- (1) *Footing and foundation inspection.* Footing and foundation inspection 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 C94, the concrete need not be on the job.
- (2) *Concrete slab and under-floor inspection.* 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.
- (3) *Lowest floor elevation.* In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in section 161.2.5 shall be submitted to the building official.

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- (4) *Frame inspection.* Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking 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.
- (5) *Lath and gypsum board inspection.* 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.
- (6) *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- (7) *Energy efficiency inspections.* Inspections shall be made to determine compliance with the International Energy Conservation Code and shall include, but not be limited to, inspections for:
- a. Envelope insulation R and U values;
 - b. Fenestration U value;
 - c. Duct system R value; and
 - d. HVAC and water-heating equipment efficiency.
- (8) *Other inspections.* In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the building code and other laws that are enforced by the department of building safety.
- (9) *Lot and foundation survey.* A survey of the lot and foundation shall be required by the building official to verify that the building or structure is located within the designated setbacks and in accordance with the approved plans for the following:
- a. For all newly constructed single-family dwellings.
 - b. For residential accessory structures, pools and additions located within two feet of the setback, floodplain and/or watershed protection areas. The foundation survey shall occur after concrete is placed and shall be submitted to and approved by the county planning and zoning department and engineering department prior to the commencement of any framing operations or work. It shall be unlawful to commence any framing operations or work until the foundation survey is approved by the county planning and zoning department and engineering department.
- Exception. For pools, the survey shall be submitted to and approved by the county planning and zoning department and engineering department after excavation and the placement of forms and reinforcing steel, but prior to the placement of any concrete, shotcrete or gunite. For pre-manufactured pools, the survey shall be submitted to and approved by the county planning and zoning department and engineering department after excavation, but prior to the placement of the pool shell.
- (10) *Special inspections.* For special inspections, see section 1704.
- (11) *Final inspection.* The final inspection shall be made after all work required by the building permit is completed.

(Code 1992, § 5-153; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2019-08, § 7, 11-14-2019)

Sec. 7-287. Inspection agencies.

The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

(Code 1992, § 5-154; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-288. Inspection requests.

It shall be the duty of the permit holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work that are required by the building code.

(Code 1992, § 5-155; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-289. Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. 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 shall notify the permit holder or agent wherein the same fails to comply with the building 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.

(Code 1992, § 5-156; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-290. Work covered without inspection approval; investigation required.

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. Covered work shall be exposed to allow for an inspection.

(Code 1992, § 5-157; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2019-08 , § 8, 11-14-2019)

Secs. 7-291—7-313. Reserved.*DIVISION 6. CERTIFICATE OF OCCUPANCY***Sec. 7-314. Use and occupancy.**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the building code or of other ordinances of the jurisdiction.

(Code 1992, § 5-161; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-315. Certificate issued.

After the building official inspects the building or structure and finds no violations of the provisions of the building code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

- (1) The building permit number.
- (2) The address of the structure.
- (3) The name and address of the owner.

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- (4) A description of that portion of the structure for which the certificate is issued.
 - (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of the building code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
 - (6) The name of the building official.
 - (7) The edition of the building code under which the permit was issued.
 - (8) The use and occupancy, in accordance with the provisions of the International Building Code.
 - (9) The type of construction as defined in the International Building Code.
 - (10) The design occupant load.
 - (11) If an automatic sprinkler system is provided and whether the sprinkler system is required.
 - (12) Any special stipulations and conditions of the building permit.

(Code 1992, § 5-162; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2019-08 , § 9, 11-14-2019)

Sec. 7-316. Provision of temporary certificate of occupancy.

The board of commissioners finds that certain nonresidential structures may be of such a size that requiring 100 percent completion of the structures can impact the timely legitimate and safe use of a substantial part of the structures. Components of this type of structures could be safe for persons to use, work in, or visit so long as certain minimum standards are met. The minimum standards within this chapter have been developed in recognition of the need to facilitate the early use of certain structures where requiring 100 percent of project completion could impact the timely legitimate and safe use of the structures based upon its size.

(Code 1992, § 5-163; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2014-01, § 1(5-163), 1-15-2014)

Sec. 7-317. Temporary certificate of occupancy.

The building official is authorized to issue a temporary certificate of occupancy for nonresidential structures when all conditions for such issuance have been satisfied. The following criteria are minimum standards which must be met prior to any structure being eligible for a temporary certificate of occupancy:

- (1) The development shall be an approved nonresidential use being constructed within a nonresidential zoning district.
- (2) The development shall be a minimum of 50 acres.
- (3) The building shall total a minimum of 25,000 square feet.
- (4) All fees and every other charge due the county for the structure shall be current and paid in full.
- (5) The area of the structure for which a temporary certificate of occupancy is being sought comprises at least 75 percent of the structure.
- (6) Every part of a structure for which a temporary certificate of occupancy is being requested shall meet all minimum standard codes (building, fire, etc.) applicable to all nonresidential structures in the county. Separation of the area specified by the temporary certificate of occupancy from any area of ongoing construction will be required. Fire marshal release shall also be required. The building official shall identify the limits of the occupied area.

(Ord. No. 2014-01, § 3(5-164), 1-15-2014)

Sec. 7-318. Request for temporary certificate of occupancy.

The owner/licensed contractor, to which a nonresidential building permit was issued, must submit in writing a request for issuance of a temporary certificate of occupancy. This request shall include justification of the proposed need, construction plans identifying the requested area, and signed agreement holding the county harmless in the event of any claims that may arise during the period that the temporary certificate is in effect.

(Ord. No. 2014-01, § 3(5-165), 1-15-2014)

Sec. 7-319. Time limit for temporary certificate of occupancy.

The duration of the temporary certificate of occupancy shall not exceed 45 days.

(Ord. No. 2014-01, § 3(5-166), 1-15-2014)

Sec. 7-320. Expiration of temporary certificate of occupancy.

The temporary certificate of occupancy shall expire on the date provided thereon or on the date of issuance of a certificate of occupancy, whichever is first to occur. However, if the temporary certificate of occupancy expires prior to the issuance of a certificate of occupancy, the property owner acknowledges that the property owner is subject to a daily fine for every day after the expiration of the temporary certificate of occupancy until the issuance of a certificate of occupancy.

(Ord. No. 2014-01, § 3(5-167), 1-15-2014)

Sec. 7-321. Revocation.

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy issued under the provisions of the building code wherever the certificate is issued in error, or 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 the building code.

(Code 1992, § 5-164; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2014-01, § 2, 1-15-2014)

Secs. 7-322—7-337. Reserved.

DIVISION 7. SERVICE UTILITIES

Sec. 7-338. Connection of service utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the building code for which a permit is required, until approved by the building official.

(Code 1992, § 5-171; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-339. Temporary connection.

The building official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

(Code 1992, § 5-172; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-340. Authority to disconnect service utilities.

The building official shall have the authority to authorize disconnection of the utility service to the building, structure or system regulate by the building code and the referenced codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

(Code 1992, § 5-173; Ord. No. 2006-16, § 3, 12-14-2006)

Secs. 7-341—7-368. Reserved.

DIVISION 8. VIOLATIONS

Sec. 7-369. Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the building code, or cause same to be done, in conflict with or in violation of any of the provisions of the building code.

(Code 1992, § 5-181; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-370. Notice.

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the building code, or in violation of a permit or certificate issued under the provisions of the building code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(Code 1992, § 5-182; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-371. Prosecution.

If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the solicitor general of the county state court to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the building code or of the order or direction made pursuant thereto.

(Code 1992, § 5-183; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-372. Penalties.

Any person who violates a provision of the building code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of the building code, shall be subject to penalties as prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Code 1992, § 5-184; Ord. No. 2006-16, § 3, 12-14-2006)

Secs. 7-373—7-402. Reserved.

DIVISION 9. STOP WORK ORDER

Sec. 7-403. Authority.

Whenever the building official finds any work regulated by the building code being performed in a manner either contrary to the provisions of the building code, other pertinent laws or ordinances implemented through the enforcement of the building code, or dangerous or unsafe, the building official is authorized to issue a stop work order.

(Code 1992, § 5-186; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-404. Issuance.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(Code 1992, § 5-187; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-405. Unlawful continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Code 1992, § 5-188; Ord. No. 2006-16, § 3, 12-14-2006)

Secs. 7-406—7-423. Reserved.

DIVISION 10. EMERGENCY MEASURES

Sec. 7-424. Imminent danger.

When, in the opinion of the building official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: "DANGER!—NO ENTRY." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

(Code 1992, § 5-191; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-425. Temporary safeguards.

Notwithstanding other provisions of the building code, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the building official deems necessary to meet such emergency.

(Code 1992, § 5-192; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-426. Closing streets.

When necessary for public safety, the building official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(Code 1992, § 5-193; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-427. Emergency repairs.

For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(Code 1992, § 5-194; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-428. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(Code 1992, § 5-195; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-429. Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the board of commissioners of the county, be afforded a hearing as described in the building code.

(Code 1992, § 5-196; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-430. Emergency declaration.

In the event of a national, state, or local emergency declaration, the building official may waive or augment the provisions of this chapter as needed during the periods of emergency to protect public safety.

(Code 1992, § 5-197; Ord. No. 2006-16, § 3, 12-14-2006)

Sec. 7-431. Disaster assessment.

- (a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the building official shall make or cause to be made any necessary visual, nondestructive inspections to determine:
- (1) Immediate hazards that jeopardize public safety, health or general welfare;
 - (2) Extent of damage;
 - (3) Necessity to evacuate or condemn the building or structure;
 - (4) Necessity to disconnect or authorize reestablishment of utilities;
 - (5) What permits will be required; and
 - (6) Whether plans are necessary.
- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
- (1) Inspected—No Restriction on Lawful Use or Occupancy (Green); or
 - (2) Danger!—Limited Entry (Yellow); or
 - (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the building official.

(Code 1992, § 5-198; Ord. No. 2006-16, § 3, 12-14-2006; Ord. No. 2019-08 , § 10, 11-14-2019)

Secs. 7-432—7-460. Reserved.

**ARTICLE IV. PROCEDURES FOR THE ADMINISTRATION OF THE RESIDENTIAL ONE-
AND TWO-FAMILY DWELLING CODE**

DIVISION 1. GENERALLY

Sec. 7-461. Application to residential code.

The provisions of this article apply to the International Residential Code for One- and Two-Family Dwellings, as adopted in section 7-22. In this article the term "residential code" means the International Residential Code for One- and Two-Family Dwellings as adopted in section 7-22.

(Code 1992, § 5-201; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-462. Scope.

The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade in height with a separate means of egress and their accessory structures.

(Code 1992, § 5-202; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-463. Purpose.

The purpose of the residential code is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment. The purpose of the residential code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of the residential code.

(Code 1992, § 5-203; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-464. Public duty, warranty and quality control.

The permitting, plans examination or inspection conducted with regard to a building or structure in accordance with the residential code constitutes a public duty and does not warrant or ensure the absence of any hazard, deficiency or other matter. Any duty created by or based on the residential code is transferred to the public, and no private cause of action is created by a breach of such duty. The residential code shall not be construed to relieve from or lessen the responsibility of any person, firm or corporation owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the department of building safety or the county be held as assuming any such liability by reason of the inspections or plans examinations authorized by the residential code or any permits or certificates issued under the residential code. The building official checks for substantial compliance with the residential code, but reviews and inspections performed by the building official pursuant to this chapter do not create any guarantee or warranty that buildings, structures or service equipment have been constructed in accordance with all provisions of the residential code. The permitting, plans examination, or inspection of any building, structure, system, element, or construction document shall not be construed as a warranty of the physical condition or adequacy of such building, structure, system, element, or construction document, including, without limitation, a representation or warranty that a building or structure is complete, that it is in compliance with the residential code or any other law, that it was inspected, that it is safe or ready for occupancy or that it meets any particular degree of quality or workmanship. Quality control of materials and workmanship is not within the purview of the residential code except as it relates to the purposes stated therein. The amount and quality of inspection and other services provided is discretionary with the building official and may vary in response to the amount of staff, work load, training and experience,

funding and other pertinent factors affecting whether and how inspection is made or whether any hazard, deficiency or similar matter is observed.

(Code 1992, § 5-204; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-465. Existing structures.

- (a) The legal occupancy of any structure existing on the date of adoption of the residential code shall be permitted to continue without change, except as is specifically covered in the residential code, the International Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.
- (b) Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of the residential code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

(Code 1992, § 5-205; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-466. Appendices.

Provisions in the appendices shall not apply unless specifically referenced herein or in the adopting ordinance.

(Code 1992, § 5-206; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2019-08 , § 11, 11-14-2019)

Secs. 7-467—7-485. Reserved.

DIVISION 2. PERMITS

Sec. 7-486. Required.

Any owner or authorized agent who intends 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 residential code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. If a licensed contractor performs construction without obtaining any necessary permit, there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this jurisdiction.

(Code 1992, § 5-211; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-487. Work exempt from permit.

Exemption from permit requirements of the residential code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the residential Code or any other laws or ordinances of this jurisdiction. All work exempt from a permit shall comply with chapter 110, pertaining to zoning. Although work may be exempt from a building permit, separate electrical, fuel, gas, mechanical or plumbing permits may be required and vice-versa. Permits shall not be required for the following:

- (1) *Building.*

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- a. One-story detached accessory structures less than 200 square feet (18.58 m²) used as tool and storage sheds, playhouses, and similar uses.
 - b. Fences not over eight feet (2438.4 mm) high. For the purposes of this section, the term "fences" means lightweight structures made of posts and boards, wire, pickets, or rails commonly used as an enclosure for a field or yard.
 - c. Walls not over four feet (1219.2 mm) in height measured from the grade to the top of the wall, unless supporting a surcharge. For the purposes of this section, the term "walls" means structures made of masonry or concrete used as an enclosure for a field or yard.
 - d. Concrete or masonry pilasters not over eight feet (2438.4 mm) high and that do not exceed a minimum 3½:1 or a maximum 1:1 height-to-width ratio used in conjunction with fences or walls. Example: 3.5:1 equals eight feet or 96 inches + 3.5 equals 27.5 inches square pilaster and footing 1:1 equals eight feet.
 - e. Retaining walls that are not over four feet (1219.2 mm) in height measured from the grade to the top of the wall, unless supporting a surcharge. For the purposes of this section, the term "retaining walls" means structures made of masonry, concrete, timber or similar materials used to retain earth, water, or other lateral pressure. For clarification purposes, cast in place walls that are part of the original foundation wall and retain earth, water, or other lateral pressure are not to be considered as retaining walls. Note: 1:1 ratio maximum length. If 45-degree angle at end of wall, 1.5:1 maximum ratio is allowed.
 - f. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2:1.
 - g. Sidewalks and driveways.
 - h. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work; shelving, casing, baseboards, wainscoting, or similar mill work.
 - i. Aquatic vessels designed to be filled and drained daily, and that are not connected to a circulation system.
 - j. Swings and other playground equipment.
 - k. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
 - l. Decks not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below, unless part of the required egress.
 - m. Screen and storm doors, storm shutters and doors, and window screens.
 - n. Roofing repairs and replacement, provided the new roofing material is identical to the existing roofing material, and the repair or replacement of structural sheathing (e.g. plywood, OSB, etc.) does not exceed 128 square feet (11.9 m²). This exemption does not apply to the supporting structural system or components (e.g. trusses, rafters, ceiling joists, etc.).
 - o. Siding applied over existing siding; the replacement of vinyl or aluminum siding with hardboard panel siding. This exemption does not apply to the removal of structural panel sheathing.
 - p. Door and window replacement, provided the opening size, location, and operation (e.g. casement, single-hung, horizontal slider, etc.) remain the same; vehicle garage doors and garage door openers at existing approved vehicle garage door openings.
 - q. Guards (guardrails), stairs, and handrails associated with changes in elevation that are not associated with a structure as a means of egress element (e.g. landscape elevation changes).

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- r. Rain gutters and associated appurtenances.
 - s. Pull down stairs at existing approved attic access openings, provided the installation does not include the cutting away of any wall, partition, ceiling joist or portion thereof, or the removal or cutting of any structural beam or load-bearing support.
- (2) *Electrical.*
- a. Minor repair or maintenance work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - b. Low voltage systems including telecommunication, computer networking, security, audio and video systems; low voltage landscape lighting.
 - c. Installation or replacement of ceiling fans or light fixtures at existing approved permanently installed lighting outlet locations.
 - d. Replacement of switches for lighting and receptacle outlets at existing approved permanently installed device locations, provided the new device type, voltage, ampacity, and method of grounding are identical to the existing device.
 - e. Replacement of receptacle outlets at existing approved permanently installed outlet locations, provided the new outlet type, voltage, ampacity, and method of grounding are identical to the existing outlet.
 - f. Installation or replacement of electric cooking, food refrigeration, dishwashing, and clothes washing appliances, provided the installation or replacement does not involve or require the relocation of the existing approved permanently installed receptacle outlet or wiring; the approved existing circuit voltage and ampacity is within the appliance's specifications; and the appliance is installed in accordance with the manufacturer's installation instructions. This section includes microwaves, cooking exhaust hoods, ranges, ovens, warming drawers, dishwashers, clothes washers, and clothes dryers. This section does not include water heaters, furnaces, or ventilation equipment.
 - g. Replacement of any overcurrent device of the required capacity in the same location, provided the new overcurrent device manufacturer, type and rating are identical to the existing overcurrent device.
 - h. Temporary decorative seasonal lighting.
- (3) *Fuel gas.*
- a. Portable heating, cooking or clothes drying appliances.
 - b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
 - c. Portable fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
 - d. Installation or replacement of gas cooking and clothes drying appliances, provided the installation or replacement does not involve or require the replacement or rearrangement of valves or pipes; the approved existing piping system fuel type and output is within the appliance's specifications; and the appliance is installed in accordance with the manufacturer's installation instructions. This section includes ranges, ovens, grills, barbeques, and clothes dryers. This section does not include factory-built fireplaces, water heaters, or furnaces.
 - e. Underground and above-ground storage tanks for liquefied petroleum gas (propane).
- (4) *Mechanical.*
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- a. Portable heating appliances.
 - b. Portable ventilation appliances.
 - c. Portable cooling units.
 - d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the residential code.
 - e. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
 - f. Portable evaporative coolers.
 - g. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
 - h. Portable fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- (5) *Plumbing.*
- a. Water filtration systems or water softeners.
 - b. Replacement of sinks, lavatories, faucets, and water closets at existing approved permanently installed locations, provided the new sink, lavatory, faucet and water closet does not involve or require the replacement or rearrangement of valves or pipes.
 - c. Private sewage disposal systems, septic tanks, disposal fields and seepage pits.
 - d. The stopping of leaks in drains, water, soil, waste or vent pipe, provided that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the residential code.
 - e. 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.
 - f. Location, drilling or installation of well casing.
 - g. The installation or repair of water service piping from the utility meter to the building envelope.
- (6) *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. For the purposes of this section, emergency shall be defined as an unexpected situation requiring prompt action to safeguard life or limb, health, property and public welfare. This section shall not be construed as allowing work to be done without a permit to restore comfort and convenience items, equipment or systems. Emergency work performed shall not be done contrary to the provisions of the residential code.
- (7) *Repairs.* Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any 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 to, alteration of, replacement or relocation of any 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.

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- (8) *Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

(Code 1992, § 5-212; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2007-04, § 2, 3-22-2007; Ord. No. 2007-08, § 1, 11-7-2007; Ord. No. 2019-08, §§ 12—15, 11-14-2019)

Sec. 7-488. Application for permit.

- (a) *Required.* To obtain a permit, the applicant shall file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:
- (1) Identify and describe the work to be covered by the permit for which the application is made.
 - (2) 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 definitely locate the proposed building or work.
 - (3) Indicate the use and occupancy for which the proposed work is intended.
 - (4) Be accompanied by construction documents and other information as required in section 7-514.
 - (5) State the valuation of the proposed work.
 - (6) Be signed by the applicant or the applicant's authorized agent.
 - (7) Give such other data and information as required by the building official.
- (b) *Action on application.* The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of the residential code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable. Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by the residential code, the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the building official finds that the value of the proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board for a determination of substantial improvement or substantial damage. Applications determined by the board to constitute substantial improvement or substantial damage shall meet the requirements of the residential code.
- (c) *Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing 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 extension of time for an additional period not exceeding 180 days. No application shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. A request for an extension must be received by the building official prior to the expiration of the application. The building official is not required to notify the applicant prior to the applications expiration or that the application has expired.

(Code 1992, § 5-213; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2019-08, § 16, 11-14-2019; Ord. No. 2019-08, § 16, 11-14-2019)

Sec. 7-489. Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the residential code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the residential code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of the residential code or of any other ordinances of this jurisdiction.

(Code 1992, § 5-214; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-490. Expiration.

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 time the work is commenced. A minimum of one inspection approval must be obtained as evidence that work was commenced or that work has continued. The determination as to whether work was suspended shall be based on the most recent inspection approval date. The building official is authorized to grant, in writing, one extension of time for an additional period of not more than 180 days provided no changes have been made or will be made in the original construction documents for such work. No permit shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. Requests for extensions must be received by the building official prior to the expiration of the permit. The building official is not required to notify the permittee prior to the permits expiration or that the permit has expired. The fee for an extension shall be one-half the amount required for a new permit for such work.

(Code 1992, § 5-215; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-491. Suspension or revocation.

The building official is authorized to suspend or revoke a permit issued under the provisions of the residential code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of the residential code.

(Code 1992, § 5-216; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-492. Placement of permit.

Work for which a permit is required shall not be commenced until the building permit or copy thereof is posted on the site of the work until the completion of the project. The posted permit shall be visible from the street and maintained in such location by the permittee until final approval has been granted by the building official.

(Code 1992, § 5-217; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-493. Responsibility.

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which the residential code is applicable, to comply with the residential code.

(Code 1992, § 5-218; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-494. Approved construction documents.

Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the building official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the building official.

(Code 1992, § 5-219; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2019-08 , § 17, 11-14-2019)

Sec. 7-495. Work without a permit; investigation required.

Whenever any work for which a permit is required has been commenced without first obtaining said permit, a stop work order shall be issued pursuant to division 9 of this article and a special investigation shall be made before a permit may be issued for such work.

(Code 1992, § 5-220; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2019-08 , § 18, 11-14-2019)

Secs. 7-496—7-513. Reserved.

DIVISION 3. CONSTRUCTION DOCUMENTS

Sec. 7-514. Submittal documents.

- (a) *Special conditions.* Construction documents, special inspection and structural observation programs and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Exception: 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 the reviewing of construction documents is not necessary to obtain compliance with the residential code.
- (b) *Information on construction documents.* Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. 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 the residential code and relevant laws, ordinances, rules and regulations, as determined by the building official. Sketches and pencil or other erasable media used to prepare construction documents shall not be accepted by the building official.
- (c) *Policies and procedures.* The building official shall establish policies and procedures for the minimum standards of acceptance for construction documents.
- (d) *Manufacturer's installation instructions.* Manufacturer's installation instructions, as required by the residential code, shall be available on the job site at the time of inspection.
- (e) *Information for construction in flood hazard areas.* For buildings and structures located in whole or in part in flood hazard areas as established by the residential code, construction documents shall include:

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- (1) Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate;
 - (2) The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
 - (3) The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V zone); and
 - (4) If design flood elevations are not included on the community's flood insurance rate map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

(Code 1992, § 5-231; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2019-08 , § 19, 11-14-2019)

Sec. 7-515. Site plan.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. 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.

(Code 1992, § 5-232; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-516. Examination of documents.

The building official shall examine or cause to be examined construction documents for residential code compliance.

- (1) *Approval of construction documents.* When the building official issues a permit, the construction documents shall be approved, in writing or by a stamp which states "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 his authorized representative.
- (2) *Previous approvals.* The residential code 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 the residential code and has not been abandoned.
- (3) *Phased approval.* 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 the residential 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.

(Code 1992, § 5-233; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-517. Amended construction documents.

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. Willful and prejudicial departure from or disregard of construction documents in any material respect without the approval of the building official is unlawful.

(Code 1992, § 5-234; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-518. Retention of construction documents.

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.

(Code 1992, § 5-235; Ord. No. 2006-16, § 4, 12-14-2006)

Secs. 7-519—7-544. Reserved.

DIVISION 4. FEES

Sec. 7-545. Payment of fees.

A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(Code 1992, § 5-241; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-546. Schedule of permit and other fees.

- (a) *Schedule.* On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit or other designated activity shall be paid as required, in accordance with the schedule as established by the board of commissioners of the county.
- (b) *Investigation fees: work without a permit.* Where work, for which a permit is required, has been commenced prior to obtaining a permit, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the residential code. The minimum investigation fee shall be the same as the minimum permit fee set forth in accordance with the schedule as established by the board of commissioners of the county. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the residential code nor from any penalty prescribed by law.

(Code 1992, § 5-242; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-547. Building permit valuations.

Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied,

unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

(Code 1992, § 5-243; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-548. Other fees.

The payment of the fee for the construction, alteration, removal or demolition for work done in connection with 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.

(Code 1992, § 5-244; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-549. Refunds.

- (a) The building official is authorized to establish a refund policy.
- (b) Refunds shall not be given:
 - (1) For an application or permit that has expired.
 - (2) If more than 180 days has elapsed from the application submittal date.
 - (3) If more than 180 days has elapsed from the permit issuance date.
 - (4) For that component of the permit fee which is representative of the development impact fee.
 - (5) For plan reviews already performed.
 - (6) If an inspection has been performed.

(Code 1992, § 5-245; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2019-08 , § 20, 11-14-2019)

Secs. 7-550—7-576. Reserved.

DIVISION 5. INSPECTIONS

Sec. 7-577. Generally.

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the residential code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the residential code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. 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.

(Code 1992, § 5-251; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-578. Preliminary inspection.

Before issuing a permit, the building official is authorized to examine, or cause to be examined, buildings, structures and sites for which an application has been filed.

(Code 1992, § 5-252; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-579. Types of inspections.

- (a) *On-site construction.* For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the residential code.
- (b) *Foundation inspection.* Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.
- (c) *Plumbing, mechanical, gas and electrical systems inspection.* Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection. Exception: Backfilling of ground-source heat pump loop systems tested in accordance with section M2105.1 of the masonry code prior to inspection shall be permitted.
- (d) *Floodplain inspections.* For construction in areas prone to flooding as established by table R301.2(1) of the residential code, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in the residential code.
- (e) *Frame and masonry inspection.* Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.
- (f) *Other inspections.* In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with the residential code and other laws enforced by the building official.
 - (1) *Fire-resistance-rated construction inspection.* Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.
 - (2) *Lot and foundation survey.* A survey of the lot and foundation shall be required by the building official to verify that the building or structure is located within the designated setbacks and in accordance with the approved plans for the following:
 - a. For all newly constructed single-family dwellings.
 - b. For residential accessory structures, pools and additions located within two feet of the setback, floodplain and/or watershed protection areas.

The foundation survey shall occur after concrete is placed and shall be submitted to and approved by the county planning and zoning department and engineering department prior to the commencement

of any framing operations or work. It shall be unlawful to commence any framing operations or work until the foundation survey is approved by the county planning and zoning department and engineering department. Exception: For pools, the survey shall be submitted to and approved by the county planning and zoning department and engineering department after excavation and the placement of forms and reinforcing steel, but prior to the placement of any concrete, shotcrete or gunite. For pre-manufactured pools, the survey shall be submitted to and approved by the county planning and zoning department and engineering department after excavation, but prior to the placement of the pool shell.

(g) *Final inspection.* Final inspection shall be made after the permitted work is complete and prior to occupancy. (Code 1992, § 5-253; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2019-08 , § 21, 11-14-2019)

Sec. 7-580. Inspection agencies.

The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

(Code 1992, § 5-254; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-581. Inspection requests.

It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by the residential code to provide access to and means for inspection of such work.

(Code 1992, § 5-255; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-582. Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. 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 shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the residential 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.

(Code 1992, § 5-256; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-583. Work covered without inspection approval: investigation required.

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

(Code 1992, § 5-257; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2019-08 , § 22, 11-14-2019)

Secs. 7-584—7-614. Reserved.

DIVISION 6. CERTIFICATE OF OCCUPANCY

Sec. 7-615. Use and occupancy.

(a) No building or structure shall be used or occupied, and not change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the residential code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of the residential code or other ordinances of the jurisdiction shall not be valid.

(b) Exceptions.

(1) Certificates of occupancy are not required for work exempt from permits.

(Code 1992, § 5-261; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2019-08 , § 23, 11-14-2019)

Sec. 7-616. Change in use.

Changes in the character or use of an existing structure shall not be made except as specified in the International Building Code.

(Code 1992, § 5-262; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2019-08 , § 24, 11-14-2019)

Sec. 7-617. Certificate issued.

After the building official inspects the building or structure and finds no violations of the provisions of the residential code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

- (1) The building permit number.
- (2) The address of the structure.
- (3) The name and address of the owner.
- (4) A description of that portion of the structure for which the certificate is issued.
- (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of the residential code.
- (6) The name of the building official.
- (7) The edition of the residential code under which the permit was issued.
- (8) If an automatic sprinkler system is provided and whether the sprinkler system is required.
- (9) Any special stipulations and conditions of the building permit.

(Code 1992, § 5-263; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-618. Revocation.

The building official shall, in writing, suspend or revoke a certificate of occupancy issued under the provisions of the residential code wherever the certificate is issued in error, or 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 the residential code.

(Code 1992, § 5-264; Ord. No. 2006-16, § 4, 12-14-2006)

Secs. 7-619—7-639. Reserved.

DIVISION 7. SERVICE UTILITIES

Sec. 7-640. Connection of service utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the residential code for which a permit is required, until approved by the building official.

(Code 1992, § 5-271; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-641. Temporary connection.

The building official shall have the authority to authorize and approve the temporary connection of the building or system to the utility, source of energy, fuel or power.

(Code 1992, § 5-272; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-642. Authority to disconnect.

The building official shall have the authority to authorize disconnection of the utility service to the building, structure or system regulated by the residential code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by section 7-640 or 7-641. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

(Code 1992, § 5-273; Ord. No. 2006-16, § 4, 12-14-2006)

Secs. 7-643—7-672. Reserved.

DIVISION 8. VIOLATIONS

Sec. 7-673. Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the residential code, or cause same to be done, in conflict with or in violation of any of the provisions of the residential code.

(Code 1992, § 5-281; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-674. Notice.

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the residential code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of the residential code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(Code 1992, § 5-282; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-675. Prosecution.

If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the solicitor general of the county state court to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the residential code or of the order or direction made pursuant thereto.

(Code 1992, § 5-283; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-676. Penalties.

Any person who violates a provision of the residential code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of the residential code, shall be subject to penalties as prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Code 1992, § 5-284; Ord. No. 2006-16, § 4, 12-14-2006)

Secs. 7-677—7-695. Reserved.***DIVISION 9. STOP WORK ORDER*****Sec. 7-696. Notice to owner.**

Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of the residential code, other pertinent laws or ordinances implemented through the enforcement of the residential code, or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

(Code 1992, § 5-291; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-697. Unlawful continuance.

Any person 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.

(Code 1992, § 5-292; Ord. No. 2006-16, § 4, 12-14-2006)

Secs. 7-698—7-722. Reserved.

DIVISION 10. EMERGENCY MEASURES

Sec. 7-723. Imminent danger.

When, in the opinion of the building official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: "DANGER!—NO ENTRY." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

(Code 1992, § 5-293; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-724. Temporary safeguards.

Notwithstanding other provisions of the residential code, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the building official deems necessary to meet such emergency.

(Code 1992, § 5-294; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-725. Closing streets.

When necessary for public safety, the building official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(Code 1992, § 5-295; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-726. Emergency repairs.

For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(Code 1992, § 5-296; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-727. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(Code 1992, § 5-297; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-728. Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the board of commissioners of the county, be afforded a hearing as described in the residential code.

(Code 1992, § 5-298; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-729. Emergency declaration.

In the event of a national, state, or local emergency declaration, the building official may waive or augment the provisions of this chapter as needed during the periods of emergency to protect public safety.

(Code 1992, § 5-299; Ord. No. 2006-16, § 4, 12-14-2006)

Sec. 7-730. Disaster assessment.

- (a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the building official shall make or cause to be made any necessary visual, nondestructive inspections to determine:
 - (1) Immediate hazards that jeopardize public safety, health or general welfare;
 - (2) Extent of damage;
 - (3) Necessity to evacuate or condemn the building or structure;
 - (4) Necessity to disconnect or authorize reestablishment of utilities;
 - (5) What permits will be required; and
 - (6) Whether plans are necessary.
- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
 - (1) Inspected—No Restriction on Lawful Use or Occupancy (Green);
 - (2) Danger!—Limited Entry (Yellow); or
 - (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the building official.

(Code 1992, § 5-300; Ord. No. 2006-16, § 4, 12-14-2006; Ord. No. 2019-08 , § 25, 11-14-2019)

Secs. 7-731—7-758. Reserved.

ARTICLE V. PROCEDURES FOR THE ADMINISTRATION OF THE MECHANICAL CODE

DIVISION 1. GENERALLY

Sec. 7-759. Title.

The provisions of this article apply to the International Mechanical Code, as adopted in section 7-22. In this article the term "mechanical code" means the International Mechanical Code as adopted in section 7-22.

(Code 1992, § 5-301; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-760. Scope.

- (a) The provisions of the mechanical code shall apply to the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel-gas-fired appliances and fuel-gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code. Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
- (b) Appendices. Provisions in the appendices shall not apply unless specifically adopted.
- (c) Appendix C Design and Installation of Residential Flexible Ductwork Systems—Adopted. Appendix C Design and Installation of Residential Flexible Ductwork Systems of the Georgia State Amendments to the International Mechanical Code (2006 edition), revised January 1, 2007, is hereby adopted.

(Code 1992, § 5-302; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-761. Intent.

- (a) *Purpose.* The purpose of the mechanical code is to establish the minimum requirements to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems. The purpose of the mechanical code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of the mechanical code.
- (b) *Public duty, warranty and quality control.* The permitting, plans examination or inspection conducted with regard to a mechanical system or equipment in accordance with the mechanical code constitutes a public duty and does not warrant or ensure the absence of any hazard, deficiency or other matter. Any duty created by or based on the mechanical code is transferred to the public, and no private cause of action is created by a breach of such duty. The mechanical shall not be construed to relieve from or lessen the responsibility of any person, firm or corporation owning, operating or controlling any mechanical system or equipment for any damages to persons or property caused by defects, nor shall the department of mechanical inspection or the county be held as assuming any such liability by reason of the inspections or plans examinations

authorized by the mechanical code or any permits or certificates issued under the mechanical code. The code official checks for substantial compliance with the mechanical code, but reviews and inspections performed by the code official pursuant to this chapter do not create any guarantee or warranty that mechanical systems or equipment have been constructed in accordance with all provisions of the mechanical code. The permitting, plans examination, or inspection of any mechanical system or equipment or construction document shall not be construed as a warranty of the physical condition or adequacy of such mechanical system or equipment or construction document, including without limitation a representation or warranty that a mechanical system or equipment is complete, that it is in compliance with the mechanical code or any other law, that it was inspected, that it is safe or ready for occupancy or that it meets any particular degree of quality or workmanship. Quality control of materials and workmanship is not within the purview of the mechanical code except as it relates to the purposes stated therein. The amount and quality of inspection and other services provided is discretionary with the code official and may vary in response to the amount of staff, work load, training and experience, funding and other pertinent factors affecting whether and how inspection is made or whether any hazard, deficiency or similar matter is observed.

(Code 1992, § 5-303; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-762. Existing installations.

Except as otherwise provided for in this chapter, a provision in the mechanical code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, a mechanical system lawfully in existence at the time of the adoption of the mechanical code.

(Code 1992, § 5-304; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-763. Maintenance.

Mechanical systems, both existing and new, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All device or safeguards required by the mechanical code shall be maintained in compliance with the mechanical code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of mechanical systems. To determine compliance with this provision, the code official shall have the authority to require a mechanical system to be reinspected.

(Code 1992, § 5-305; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-764. Additions, alterations or repairs.

Additions, alterations, renovations or repairs to a mechanical system shall conform to that required for a new mechanical system without requiring the existing mechanical system to comply with all the requirements of the mechanical code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, unsanitary or overloaded. Minor additions, alterations, renovations and repairs to existing mechanical systems shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacements are not hazardous and are approved.

(Code 1992, § 5-306; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-765. Change in occupancy.

It shall be unlawful to make any change in the occupancy of any structure that will subject the structure to any special provision of the mechanical code without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

(Code 1992, § 5-307; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-766. Historic buildings.

The provisions of the mechanical code 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 code 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.

(Code 1992, § 5-308; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-767. Moved buildings.

Except as determined by section 7-762, mechanical systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of the mechanical code for new installations.

(Code 1992, § 5-309; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-768. Requirements not covered by mechanical code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed mechanical system, or for the public safety, health and general welfare, not specifically covered by the mechanical code shall be determined by the code official.

(Code 1992, § 5-310; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-769. Severability.

If any action, subsection, sentence, clause or phrase of the mechanical code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the mechanical code.

(Code 1992, § 5-311; Ord. No. 2006-16, § 5, 12-14-2006)

Secs. 7-770—7-791. Reserved.

DIVISION 2. PERMITS

Sec. 7-792. When required.

Any owner, authorized agent or contractor who intends to erect, install, enlarge, alter, repair, remove, convert or replace a mechanical system, the installation of which is regulated by the mechanical code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit.

Exception: Where equipment and appliance replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next business day of the department of mechanical inspection. For the purposes of this section, emergency shall be defined as an unexpected situation requiring prompt action to safeguard life or limb, health, property and public welfare. This section shall not be construed as allowing work to be done without a permit to restore comfort and convenience items, equipment or systems. Emergency work performed shall not be done contrary to the provisions of the mechanical code. If a licensed contractor performs work without obtaining any necessary permit, there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this jurisdiction.

(Code 1992, § 5-321; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-793. Permits not required.

Permits shall not be required for the following:

- (1) Portable heating appliances;
- (2) Portable ventilation appliances and equipment;
- (3) Portable cooling units;
- (4) Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by the mechanical code;
- (5) The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe;
- (6) Portable evaporative coolers;
- (7) Self-contained refrigeration systems that contain ten pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of one horsepower (0.75 kW) or less; and
- (8) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Exemption from the permit requirements of the mechanical code shall not be deemed to grant authorization for any work to be done in violation of the provisions the mechanical code or any other laws or ordinances of this jurisdiction.

(Code 1992, § 5-322; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-794. Application for permit.

- (a) *Required.* Each application for a permit, with the required fee, shall be file with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

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- (b) *Construction documents.* The code official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the mechanical code and other pertinent laws or ordinances. Construction documents, engineering calculations, diagrams and other such data shall be submitted in two or more sets with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of the mechanical code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking. Sketches and pencil or other erasable media used to prepare construction documents shall not be accepted by the code official. Exception: The code official is authorized to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that review of construction documents is not necessary to determine compliance with the mechanical code. The code official shall establish policies and procedures for the minimum standards of acceptance for construction documents.
- (c) *Action on application.* The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of the mechanical code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable.
- (d) *Time limitation of application.* An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one extension of time for an additional period not exceeding 180 days. No application shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. A request for an extension must be received by the code official prior to the expiration of the application. The code official is not required to notify the applicant prior to the application(s) expiration or that the application has expired.

(Code 1992, § 5-323; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-795. Permit issuance.

- (a) *Review by code official.* The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of the mechanical code and all laws and ordinances applicable thereto, and that the fees specified in section 7-796 have been paid, a permit shall be issued to the applicant.
- (b) *Approved construction documents.* When the code official issues a permit where construction documents are required, the construction documents shall be approved, in writing and stamped "Reviewed For Code Compliance." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents. The code official is authorized to issue a permit for the construction of a part of a mechanical system before the construction documents for the whole system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the mechanical 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 without assurance that the permit for the entire mechanical system will be granted.

- (c) *Amended construction documents.* 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. Willful and prejudicial departure from or disregard of construction documents in any material respect without the approval of the code official is unlawful.
- (d) *Validity.* The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the mechanical code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the mechanical code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors in the construction documents and other data or from preventing building operations being carried on thereunder when in violation of the mechanical code or of other ordinances of this jurisdiction. The code official is also authorized to prevent occupancy or use of a structure where in violation of the mechanical code or of any other ordinances of this jurisdiction.
- (e) *Expiration.* Every permit issued shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. A minimum of one inspection approval must be obtained as evidence that work was commenced or that work has continued. The determination as to whether work was suspended shall be based on the most recent inspection approval date.
- (f) *Extensions.* The code official is authorized to grant, in writing, one extension of time for an additional period of not more than 180 days provided no changes have been made or will be made in the original construction documents for such work. No permit shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. Requests for extensions must be received by the code official prior to the expiration of the permit. The code official is not required to notify the permittee prior to the permit's expiration or that the permit has expired. The fee for an extension shall be one-half the amount required for a new permit for such work.
- (g) *Suspension or revocation of permit.* The code official shall revoke a permit or approval issued under the provisions of the mechanical code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.
- (h) *Retention of construction documents.* One set of construction documents shall be retained by the code official until final approval of the work covered therein. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.
- (i) *Placement of permit.* Work for which a permit is required shall not be commenced until the building permit or copy thereof is posted on the site of the work until the completion of the project. The posted permit shall be visible from the street and maintained in such location by the permittee until final approval has been granted by the code official.
- (j) *Responsibility.* It shall be the duty of every person who performs work for which the mechanical code is applicable, to comply with the mechanical code.
- (k) *Inspection record card and approved construction documents.* Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected

from the elements and maintained in such location by the permittee until final approval has been granted by the code official.

- (l) *Work without a permit; investigation required.* Whenever any work for which a permit is required has been commenced without first obtaining said permit, a stop work order shall be issued pursuant to division 4 of this article and a special investigation shall be made before a permit may be issued for such work.

(Code 1992, § 5-324; Ord. No. 2006-16, § 5, 12-14-2006; Ord. No. 2019-08 , § 26, 11-14-2019)

Sec. 7-796. Fees.

- (a) *Payment of fees.* A permit shall not be issued until the fees prescribed in subsection (c) of this section have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the mechanical system, has been paid.
- (b) *Investigation fees; work without a permit.* Where work, for which a permit is required, has been commenced prior to obtaining a permit, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the mechanical code. The minimum investigation fee shall be the same as the minimum permit fee set forth in accordance with the schedule as established by the board of commissioners of the county. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the mechanical code nor from any penalty prescribed by law.
- (c) *Fee schedule.* For mechanical work requiring a permit or other designated activity, a fee for each permit shall be paid as required, in accordance with the schedule as established by the board of commissioners of the county.
- (d) *Fee refunds.*
- (1) The code official is authorized to establish a refund policy.
 - (2) Refunds shall not be given:
 - a. For an application or permit that has expired.
 - b. If more than 180 days has elapsed from the application submittal date.
 - c. If more than 180 days has elapsed from the permit issuance date.
 - d. For that component of the permit fee which is representative of the development impact fee.
 - e. For plan reviews already performed.
 - f. If an inspection has been performed.

(Code 1992, § 5-325; Ord. No. 2006-16, § 5, 12-14-2006; Ord. No. 2019-08 , § 27, 11-14-2019)

Secs. 7-797—7-815. Reserved.

DIVISION 3. INSPECTIONS AND TESTING

Sec. 7-816. Generally.

Work for which a permit is required shall be subject to inspection by the code official and such work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall

not be construed to be an approval of a violation of the provisions of the mechanical code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the mechanical code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(Code 1992, § 5-331; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-817. Preliminary inspection.

- (a) *Review by code official.* Before issuing a permit, the code official is authorized to examine, or cause to be examined, mechanical systems for which an application has been filed.
- (b) *Required inspections and testing.* The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.
 - (1) Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
 - (2) Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
 - (3) Final inspection shall be made upon completion of the mechanical system.
 - (4) Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the mechanical code and other laws that are enforced by the department of mechanical inspection. Exception: Ground-source heat pump loop systems tested in accordance with the mechanical code shall be permitted to be backfilled prior to inspection.

The requirements of this section shall not be considered to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure in the event a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after replacement work is completed, and before any portion of such equipment appliances is concealed by any permanent portion of the structure.

- (c) *Approved inspection agencies.* Test reports submitted to the code official for consideration shall be developed by approved agencies that have satisfied the requirements as to qualifications and reliability.
- (d) *Evaluation and followup inspection services.* Prior to the approval of a closed, prefabricated construction assembly having concealed mechanical work and the issuance of a mechanical permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly indicating the complete details of the mechanical system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to the mechanical code.
 - (1) *Evaluation service.* The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency(s) evaluation report for adequacy and conformance to the mechanical code.

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- (2) *Followup inspection.* Except where ready access is provided to mechanical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the followup inspection manual and a report of inspections upon request, and the mechanical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.
 - (3) *Test and inspection records.* All required test and inspection records shall be available to the code official at all times during the fabrication of the mechanical system and the erection of the building, or such records as the code official designates shall be filed.

(Code 1992, § 5-332; Ord. No. 2006-16, § 5, 12-14-2006; Ord. No. 2019-08 , § 28, 11-14-2019)

Sec. 7-818. Testing.

- (a) *Required.* Mechanical systems shall be tested as required in the mechanical code and in accordance with subsections (b) through (d) of this section. Tests shall be made by the permit holder and observed by the code official.
- (b) *New, altered, extended or repaired systems.* New mechanical systems and parts of existing systems that have been altered, extended, renovated or repaired shall be tested as prescribed herein to disclose leaks and defects.
- (c) *Apparatus, material and labor for tests.* Apparatus, material and labor required for testing a mechanical system or part thereof shall be furnished by the permit holder.
- (d) *Reinspection and testing.* Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with the mechanical code. The work or installation shall then be resubmitted to the code official for inspection and testing.

(Code 1992, § 5-333; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-819. Approval.

After the prescribed tests and inspections indicate that the work complies in all respects with the mechanical code, a notice of approval shall be issued by the code official. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or his agent wherein the same fails to comply with the mechanical code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

(Code 1992, § 5-334; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-820. Temporary connection.

The code official shall have the authority to authorize the temporary connection of a mechanical system to the sources of energy for the purpose of testing mechanical systems or for use under a temporary certificate of occupancy.

(Code 1992, § 5-335; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-821. Work covered without inspection approval; investigation required.

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

(Code 1992, § 5-336; Ord. No. 2006-16, § 5, 12-14-2006; Ord. No. 2019-08 , § 29, 11-14-2019)

Sec. 7-822. Inspection requests.

It shall be the duty of the permit holder of the building permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work that are required by the mechanical code.

(Code 1992, § 5-337; Ord. No. 2006-16, § 5, 12-14-2006)

Secs. 7-823—7-852. Reserved.

DIVISION 4. VIOLATIONS

Sec. 7-853. Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a mechanical system, or cause same to be done, in conflict with or in violation of any of the provisions of the mechanical code.

(Code 1992, § 5-341; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-854. Notice.

The code official shall serve a notice of violation or order on the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of mechanical work in violation of the provisions of the mechanical code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of the mechanical code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(Code 1992, § 5-342; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-855. Prosecution.

If the notice of violation is not complied with in the time prescribed by such notice, the code official shall request the solicitor general of the county state court to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the mechanical code or of the order or direction made pursuant thereto.

(Code 1992, § 5-343; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-856. Penalties.

Any person who violates a provision of the mechanical code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of the mechanical code, shall be subject to penalties as prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Code 1992, § 5-344; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-857. Stop work orders.

Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of the mechanical code, other pertinent laws or ordinances implemented through the enforcement of the mechanical code, 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 the owner's agent or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. When an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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.

(Code 1992, § 5-345; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-858. Abatement.

The imposition of the penalties herein prescribed shall not preclude 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 building, structure or premises, or to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises.

(Code 1992, § 5-346; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-859. Unsafe mechanical systems.

- (a) *Declaration of public nuisance.* A mechanical system that is unsafe or that constitutes a fire or health hazard, or is otherwise dangerous to human life is hereby declared unsafe. Use of a mechanical system regulated by the mechanical code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.
- (b) *Authority to condemn mechanical systems.* Whenever the code official determines that any mechanical system, or portion thereof, regulated by the mechanical code has become hazardous to life, health or property or has become unsanitary, the code official shall order in writing that such plumbing either be removed or restored to a safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. No person shall use or maintain a defective mechanical system after receiving such notice. When such mechanical system is to be disconnected, written notice as prescribed in section 7-854 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

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- (c) *Authority to order disconnection of energy sources.* The code official shall have the authority to authorize disconnection of energy sources supplied to a building, structure or mechanical system regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service systems shall be notified in writing, as soon as practical thereafter. Where energy sources are provided by a public utility, the code official shall immediately notify the serving utility of the issuance of such order to disconnect.
- (d) *Connection after order to disconnect.* No person shall make connection from any energy source to mechanical systems regulated by the mechanical code that have been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be disconnected by the code official until the code official authorizes the reconnection and use of such mechanical systems. When a mechanical system is maintained in violation of the mechanical code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

(Code 1992, § 5-347; Ord. No. 2006-16, § 5, 12-14-2006)

Secs. 7-860—7-881. Reserved.

DIVISION 5. EMERGENCY MEASURES

Sec. 7-882. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "DANGER!—NO ENTRY." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

(Code 1992, § 5-351; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-883. Temporary safeguards.

Notwithstanding other provisions of the mechanical code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(Code 1992, § 5-352; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-884. Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(Code 1992, § 5-353; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-885. Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(Code 1992, § 5-354; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-886. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(Code 1992, § 5-355; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-887. Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the board of commissioners of the county, be afforded a hearing as described in the mechanical code.

(Code 1992, § 5-356; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-888. Emergency declaration.

In the event of a national, state, or local emergency declaration, the code official may waive or augment the provisions of this chapter as needed during the periods of emergency to protect public safety.

(Code 1992, § 5-357; Ord. No. 2006-16, § 5, 12-14-2006)

Sec. 7-889. Disaster assessment.

(a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the code official shall make or cause to be made any necessary visual, nondestructive inspections to determine:

- (1) Immediate hazards that jeopardize public safety, health or general welfare;
- (2) Extent of damage;
- (3) Necessity to evacuate or condemn the building or structure;
- (4) Necessity to disconnect or authorize reestablishment of utilities;

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- (5) What permits will be required; and
 - (6) Whether plans are necessary.
- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
- (1) Inspected—No Restriction on Lawful Use or Occupancy (Green);
 - (2) Danger!—Limited Entry (Yellow); or
 - (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the code official.

(Code 1992, § 5-358; Ord. No. 2006-16, § 5, 12-14-2006; Ord. No. 2019-08 , § 30, 11-14-2019)

Secs. 7-890—7-911. Reserved.

ARTICLE VI. PROCEDURES FOR THE ADMINISTRATION OF THE PLUMBING CODE

DIVISION 1. GENERALLY

Sec. 7-912. Title.

The provisions of this article apply to the International Plumbing Code, as adopted in section 7-22. In this article the term "plumbing code" means the International Plumbing Code as adopted in section 7-22.

(Code 1992, § 5-361; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-913. Scope.

The provisions of the plumbing code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. The plumbing code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the International Fuel Gas Code. Provisions in the appendices shall not apply unless specifically adopted.

(Code 1992, § 5-362; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-914. Intent.

- (a) *Purpose.* The purpose of the plumbing code is to establish the minimum requirements to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems. The purpose of the plumbing code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of the plumbing code.
- (b) *Public duty, warranty and quality control.* The permitting, plans examination or inspection conducted with regard to a plumbing system in accordance with the plumbing code constitutes a public duty and does not

warrant or ensure the absence of any hazard, deficiency or other matter. Any duty created by or based on the plumbing code is transferred to the public, and no private cause of action is created by a breach of such duty. The plumbing code shall not be construed to relieve from or lessen the responsibility of any person, firm or corporation owning, operating or controlling any plumbing system for any damages to persons or property caused by defects, nor shall the department of plumbing inspection or the county be held as assuming any such liability by reason of the inspections or plans examinations authorized by the plumbing code or any permits or certificates issued under the plumbing code. The code official checks for substantial compliance with the plumbing code, but reviews and inspections performed by the code official pursuant to this chapter do not create any guarantee or warranty that plumbing systems have been constructed in accordance with all provisions of the plumbing code. The permitting, plans examination, or inspection of any plumbing system or construction document shall not be construed as a warranty of the physical condition or adequacy of such plumbing system or construction document, including without limitation a representation or warranty that a plumbing system is complete, that it is in compliance with the plumbing code or any other law, that it was inspected, that it is safe or ready for occupancy or that it meets any particular degree of quality or workmanship. Quality control of materials and workmanship is not within the purview of the plumbing code, except as it relates to the purposes stated therein. The amount and quality of inspection and other services provided is discretionary with the code official and may vary in response to the amount of staff, work load, training and experience, funding and other pertinent factors affecting whether and how inspection is made or whether any hazard, deficiency or similar matter is observed.

(Code 1992, § 5-363; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-915. Existing installations.

Plumbing systems lawfully in existence at the time of the adoption of the plumbing code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such plumbing system.

(Code 1992, § 5-364; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-916. Maintenance.

All plumbing systems, materials and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All device or safeguards required by the plumbing code shall be maintained in compliance with the plumbing code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of plumbing systems. To determine compliance with this provision, the code official shall have the authority to require any plumbing system to be reinspected.

(Code 1992, § 5-365; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-917. Additions, alterations or repairs.

Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all the requirements of the plumbing code. Additions, alterations or repairs shall not cause an existing system to become unsafe, unsanitary or overloaded. Minor additions, alterations, renovations and repairs to existing plumbing systems shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacements are not hazardous and are approved.

(Code 1992, § 5-366; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-918. Change in occupancy.

It shall be unlawful to make any change in the occupancy of any structure that will subject the structure to any special provision of the plumbing code without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

(Code 1992, § 5-366; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-919. Historic buildings.

The provisions of the plumbing code 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 code 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.

(Code 1992, § 5-368; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-920. Moved buildings.

Except as determined by the plumbing code, plumbing systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of the plumbing code for new installations.

(Code 1992, § 5-369; Ord. No. 2006-16, § 6, 12-14-2006; Ord. No. 2019-08 , § 31, 11-14-2019)

Sec. 7-921. Requirements not covered by plumbing code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed plumbing system, or for the public safety, health and general welfare, not specifically covered by the plumbing code shall be determined by the code official.

(Code 1992, § 5-370; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-922. Severability.

If any action, subsection, sentence, clause or phrase of the plumbing code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the plumbing code.

(Code 1992, § 5-371; Ord. No. 2006-16, § 6, 12-14-2006)

Secs. 7-923—7-947. Reserved.

DIVISION 2. PERMITS

Sec. 7-948. When required.

- (a) *Required.* Any owner, authorized agent or contractor who intends 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 plumbing system, the installation of which is regulated by the plumbing code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit.
- (b) *Exception.* Where equipment and appliance replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next business day of the department of plumbing inspection. For the purposes of this section, the term "emergency" means an unexpected situation requiring prompt action to safeguard life or limb, health, property and public welfare. This section shall not be construed as allowing work to be done without a permit to restore comfort and convenience items, equipment or systems. Emergency work performed shall not be done contrary to the provisions of the plumbing code. If a licensed contractor performs work without obtaining any necessary permit, there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this jurisdiction.

(Code 1992, § 5-381; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-949. Exempt work.

The following work shall be exempt from the requirement for a permit:

- (1) The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, 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 the plumbing 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.

Exemption from the permit requirements of the plumbing code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the plumbing code or any other laws or ordinances of this jurisdiction.

(Code 1992, § 5-382; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-950. Application for permit.

- (a) *Required.* Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.
- (b) *Construction documents.* The code official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the plumbing code and other pertinent laws or ordinances. Construction documents, engineering calculations, diagrams and other such data shall be submitted in two or more sets with each application for a permit. The code official shall require construction

documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of the plumbing code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipe, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking. Sketches and pencil or other erasable media used to prepare construction documents shall not be accepted by the code official.

- (1) *Exception.* The code official is authorized to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that review of construction documents is not necessary to determine compliance with the plumbing code.
- (c) *Action on application.* The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of the plumbing code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable.
- (d) *Time limitation of application.* An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one extension of time for an additional period not exceeding 180 days. No application shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. A request for an extension must be received by the code official prior to the expiration of the application. The code official is not required to notify the applicant prior to the application's expiration or that the application has expired.

(Code 1992, § 5-383; Ord. No. 2006-16, § 6, 12-14-2006; Ord. No. 2019-08, § 32, 11-14-2019)

Sec. 7-951. By whom application is made.

Application for a permit shall be made by the person or agent to install all or part of any plumbing system. The applicant shall meet all qualifications established by statute, or by rules promulgated by the plumbing code, or by ordinance or by resolution. The full name and address of the applicant shall be stated in the application.

(Code 1992, § 5-384; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-952. Permit issuance.

- (a) *Review by code official.* The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of the plumbing code and all laws and ordinances applicable thereto, and that the fees specified in the plumbing code have been paid, a permit shall be issued to the applicant.
 - (1) *Approved.* When the code official issues a permit where construction documents are required, the construction documents shall be approved, in writing and stamped "Reviewed For Code Compliance." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents. The code official is authorized to issue a permit for the construction of a part of a plumbing system before the entire construction documents for the whole system have been submitted or approved, provided that adequate information and detailed statements have been filed

complying with pertinent requirements of the plumbing 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 without assurance that the permit for the entire plumbing system will be granted.

- (2) *Amended.* 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. Willful and prejudicial departure from or disregard of construction documents in any material respect without the approval of the code official is unlawful.
- (b) *Validity.* The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the plumbing code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the plumbing code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the plumbing official from requiring the correction of errors in the construction documents and other data or from preventing building operations being carried on thereunder when in violation of the plumbing or of other ordinances of this jurisdiction. The code official is also authorized to prevent occupancy or use of a structure where in violation of the plumbing code or of any other ordinances of this jurisdiction.
- (c) *Expiration.* Every permit issued shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. A minimum of one inspection approval must be obtained as evidence that work was commenced or that work has continued. The determination as to whether work was suspended shall be based on the most recent inspection approval date.
- (d) *Extensions.* The code official is authorized to grant, in writing, one extension of time for an additional period of not more than 180 days provided no changes have been made or will be made in the original construction documents for such work. No permit shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. Requests for extensions must be received by the code official prior to the expiration of the permit. The code official is not required to notify the permittee prior to the permit's expiration or that the permit has expired. The fee for an extension shall be one-half the amount required for a new permit for such work.
- (e) *Suspension or revocation of permit.* The code official shall revoke a permit or approval issued under the provisions of the plumbing code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.
- (f) *Retention of construction documents.* One set of construction documents shall be retained by the code official until final approval of the work covered therein. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.
- (g) *Placement of permit.* Work for which a permit is required shall not be commenced until the building permit or copy thereof is posted on the site of the work until the completion of the project. The posted permit shall be visible from the street and maintained in such location by the permittee until final approval has been granted by the code official.
- (h) *Responsibility.* It shall be the duty of every person who performs work for which the plumbing code is applicable, to comply with the plumbing code.
- (i) *Approved construction documents.* Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to

allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.

- (j) *Work without a permit; investigation required.* Whenever any work for which a permit is required has been commenced without first obtaining said permit, a stop work order shall be issued pursuant to division 4 of this article and a special investigation shall be made before a permit may be issued for such work.

(Code 1992, § 5-385; Ord. No. 2006-16, § 6, 12-14-2006; Ord. No. 2019-08, § 33, 11-14-2019)

Sec. 7-953. Fees.

- (a) *Payment of fees.* A permit shall not be issued until the fees prescribed in subsection (c) of this section have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the plumbing systems, has been paid.
- (b) *Investigation fees: work without a permit.* Where work, for which a permit is required, has been commenced prior to obtaining a permit, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the plumbing code. The minimum investigation fee shall be the same as the minimum permit fee set forth in accordance with the schedule as established by the board of commissioners of the county. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the plumbing code nor from any penalty prescribed by law.
- (c) *Fee schedule.* For plumbing systems or alterations requiring a permit or other designated activity, a fee for each permit shall be paid as required, in accordance with the schedule as established by the board of commissioners of the county.
- (d) *Fee refunds.*
- (1) The code official is authorized to establish a refund policy.
 - (2) Refunds shall not be given:
 - a. For an application or permit that has expired.
 - b. If more than 180 days has elapsed from the application submittal date.
 - c. If more than 180 days has elapsed from the permit issuance date.
 - d. For that component of the permit fee which is representative of the development impact fee.
 - e. For plan review already performed.
 - f. If an inspection has been performed.

(Code 1992, § 5-386; Ord. No. 2006-16, § 6, 12-14-2006; Ord. No. 2019-08, § 34, 11-14-2019)

Secs. 7-954—7-979. Reserved.

DIVISION 3. INSPECTIONS AND TESTING

Sec. 7-980. Generally.

Work for which a permit is required shall be subject to inspection by the code official and such work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall

not be construed to be an approval of a violation of the provisions of the plumbing code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the plumbing code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(Code 1992, § 5-391; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-981. Preliminary inspection.

Before issuing a permit, the code official is authorized to examine, or cause to be examined, plumbing systems for which an application has been filed.

(Code 1992, § 5-392; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-982. Required inspections and testing.

- (a) *Notification.* The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.
- (1) Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place.
 - (2) Rough-in inspection shall be made after the roof, framing, fireblocking, firestopping, draftstopping and bracing is in place and all sanitary, storm and water distribution piping is roughed-in, and prior to the installation of wall or ceiling membranes.
 - (3) Final inspection shall be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
 - (4) Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the plumbing code and other laws that are enforced by the department of plumbing inspection.
- (b) *Approved agencies.* Test reports submitted to the code official for consideration shall be developed by approved agencies that have satisfied the requirements as to qualifications and reliability.
- (c) *Evaluation and followup inspection services.* Prior to the approval of a closed, prefabricated plumbing system and the issuance of a plumbing permit, the code official shall require the submittal of an evaluation report on each prefabricated plumbing system indicating the complete details of the plumbing system, including a description of the system and its components, the basis upon which the plumbing system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to the plumbing code.
- (1) *Evaluation service.* The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to the plumbing code.
 - (2) *Followup inspection.* Except where ready access is provided to all plumbing systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the

approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the followup inspection manual and a report of inspections upon request, and the plumbing system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

- (3) *Test and inspection records.* All required test and inspection records shall be available to the code official at all times during the fabrication of the plumbing system and the erection of the building, or such records as the code official designates shall be filed.

(Code 1992, § 5-393; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-983. Special inspections.

- (a) *Special inspections.* Special inspections of alternative engineered design plumbing systems shall be conducted in accordance with subsections (b) and (c) of this section.
- (b) *Periodic inspection.* The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the approved construction documents. All discrepancies shall be brought to the immediate attention of the plumbing contractor for correction. Records shall be kept of all inspections.
- (c) *Written report.* The registered design professional shall submit a final report in writing to the code official upon completion of the installation, certifying that the alternative engineered design conforms to the approved construction documents. A notice of approval for the plumbing system shall not be issued until a written certification has been submitted.

(Code 1992, § 5-394; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-984. Testing.

- (a) *Required.* Plumbing work and systems shall be tested as required in the plumbing code and in accordance with subsections (b) through (d) of this section. Tests shall be made by the permit holder and observed by the code official.
- (b) *New, altered, extended or repaired systems.* New plumbing systems and parts of existing systems that have been altered, extended or repaired shall be tested as prescribed herein to disclose leaks and defects, except that testing is not required in the following cases:
- (1) In any case that does not include addition to, replacement, alteration or relocation of any water supply, drainage or vent piping.
 - (2) In any case where plumbing equipment is set up temporarily for exhibition purposes.
- (c) *Equipment, material and labor for tests.* All equipment, material and labor required for testing a plumbing system or part thereof shall be furnished by the permit holder.
- (d) *Reinspection and testing.* Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with the plumbing code. The work or installation shall then be resubmitted to the code official for inspection and testing.

(Code 1992, § 5-395; Ord. No. 2006-16, § 6, 12-14-2006; Ord. No. 2019-08 , § 35, 11-14-2019)

Sec. 7-985. Approval.

After the prescribed tests and inspections indicate that the work complies in all respects with the plumbing code, a notice of approval shall be issued by the code official. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or his agent wherein the same fails to comply with the plumbing code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

(Code 1992, § 5-396; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-986. Temporary connection.

The code official shall have the authority to authorize the temporary connection of the building or system to the utility source for the purpose of testing plumbing systems or for use under a temporary certificate of occupancy.

(Code 1992, § 5-397; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-987. Work covered without inspection approval: investigation required.

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

(Code 1992, § 5-398; Ord. No. 2006-16, § 6, 12-14-2006; Ord. No. 2019-08 , § 36, 11-14-2019)

Sec. 7-988. Inspection requests.

It shall be the duty of the permit holder of the building permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work that are required by the plumbing code.

(Code 1992, § 5-399; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-989. Alternative engineered design.

- (a) *Alternative design.* The design, documentation, inspection, testing and approval of an alternative engineered design plumbing system shall comply with subsections (b) through (g) of this section.
- (b) *Design criteria.* An alternative engineered design shall conform to the intent of the provisions of the plumbing code and shall provide an equivalent level of quality, strength, effectiveness, fire resistance, durability and safety. Material, equipment or components shall be designed and installed in accordance with the manufacturer's installation instructions.
- (c) *Submittal.* The registered design professional shall indicate on the permit application that the plumbing system is an alternative engineered design. The permit and permanent permit records shall indicate that an alternative design was part of the approved installation.

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- (d) *Technical data.* The registered design professional shall submit sufficient technical data to substantiate the proposed alternative engineered design and to prove that the performance meets the intent of the plumbing code.
 - (e) *Construction documents.* The registered design professional shall submit to the code official two complete sets of signed and sealed construction documents for the alternative engineered design. The construction documents shall include floor plans and a riser diagram of the work. Where appropriate, the construction documents shall indicate the direction of the flow, all pipe sizes, grade of horizontal piping, loading, and location of fixtures and appliances.
 - (f) *Design approval.* Where the code official determines that the alternative engineered design conforms to the intent of the plumbing code, the plumbing system shall be approved. If the alternative engineered design is not approved, the code official shall notify the registered design professional in writing, stating the reasons therefor.
 - (g) *Inspection and testing.* The alternative engineered design shall be tested and inspected in accordance with the requirements of this division and the plumbing code.

(Code 1992, § 5-400; Ord. No. 2006-16, § 6, 12-14-2006; Ord. No. 2019-08 , § 37, 11-14-2019)

Secs. 7-990—7-1006. Reserved.

DIVISION 4. VIOLATIONS

Sec. 7-1007. Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish or utilize any plumbing system, or cause same to be done, in conflict with or in violation of any of the provisions of the plumbing code.

(Code 1992, § 5-411; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1008. Notice of violation.

The code official shall serve a notice of violation or order on the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of plumbing work in violation of the provisions of the plumbing code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of the plumbing code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(Code 1992, § 5-412; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1009. Prosecution of violation.

If the notice of violation is not complied with in the time prescribed by such notice, the code official shall request the solicitor general of the county state court to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the plumbing code or of the order or direction made pursuant thereto.

(Code 1992, § 5-413; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1010. Violation penalties.

Any person who violates a provision of the plumbing code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of the plumbing code, shall be subject to penalties as prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Code 1992, § 5-414; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1011. Stop work orders.

Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of the plumbing code, other pertinent laws or ordinances implemented through the enforcement of the plumbing code, 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 the owner's agent or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. When an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person 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.

(Code 1992, § 5-415; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1012. Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude 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 building, structure or premises, or to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises.

(Code 1992, § 5-416; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1013. Unsafe plumbing.

- (a) *Declaration of public nuisance.* Any plumbing regulated by the plumbing code that is unsafe or that constitutes a fire or health hazard, unsanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of plumbing regulated by the plumbing code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.
- (b) *Authority to condemn equipment.* Whenever the code official determines that any plumbing, or portion thereof, regulated by the plumbing code has become hazardous to life, health or property or has become unsanitary, the code official shall order in writing that such plumbing either be removed or restored to a safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. No person shall use or maintain defective plumbing after receiving such notice. When such plumbing is to be disconnected, written notice as prescribed in section 7-1008 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.
- (c) *Authority to disconnect service utilities.* The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes in case of an

emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service systems shall be notified in writing, as soon as practical thereafter.

- (d) *Connection after order to disconnect.* No person shall make connection form any energy, fuel, power supply or water distribution system or supply energy, fuel or water to any equipment regulated by the plumbing code that has been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be disconnected by the code official until the code official authorizes the reconnection and use of such equipment. When any plumbing is maintained in violation of the plumbing code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

(Code 1992, § 5-417; Ord. No. 2006-16, § 6, 12-14-2006)

Secs. 7-1014—7-1039. Reserved.

DIVISION 5. EMERGENCY MEASURES

Sec. 7-1040. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the code official is hereby authorized an empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "DANGER—NO ENTRY." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

(Code 1992, § 5-421; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1041. Temporary safeguards.

Notwithstanding other provisions of the plumbing code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(Code 1992, § 5-422; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1042. Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(Code 1992, § 5-423; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1043. Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(Code 1992, § 5-424; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1044. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(Code 1992, § 5-425; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1045. Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the board of commissioners of the county, be afforded a hearing as described in the plumbing code.

(Code 1992, § 5-426; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1046. Emergency declaration.

In the event of a national, state, or local emergency declaration, the code official may waive or augment the provisions of this chapter as needed during the periods of emergency to protect public safety.

(Code 1992, § 5-427; Ord. No. 2006-16, § 6, 12-14-2006)

Sec. 7-1047. Disaster assessment.

- (a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the code official shall make or cause to be made any necessary visual, nondestructive inspections to determine:
 - (1) Immediate hazards that jeopardize public safety, health or general welfare;
 - (2) Extent of damage;
 - (3) Necessity to evacuate or condemn the building or structure;
 - (4) Necessity to disconnect or authorize reestablishment of utilities;
 - (5) What permits will be required; and
 - (6) Whether plans are necessary.
- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
 - (1) Inspected—No Restriction on Lawful Use or Occupancy (Green);

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- (2) Danger!—Limited Entry (Yellow); or
 - (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the code official.

(Code 1992, § 5-428; Ord. No. 2006-16, § 6, 12-14-2006; Ord. No. 2019-08 , § 38, 11-14-2019)

Secs. 7-1048—7-1077. Reserved.

ARTICLE VII. PROCEDURES FOR THE ADMINISTRATION OF THE ELECTRICAL CODE

DIVISION 1. GENERALLY

Sec. 7-1078. Applicability to electrical code

The provisions of this article apply to the National Electrical Code, as adopted in section 7-22. In this article the term "electrical code" means the National Electrical Code as adopted in section 7-22.

(Code 1992, § 5-431; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1079. Purpose.

- (a) *Purpose.* The purpose of the electrical code is to establish the minimum requirements to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of electrical systems and equipment. The purpose of the electrical code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of the electrical code.
- (b) *Public duty, warranty and quality control.* The permitting, plans examination or inspection conducted with regard to an electrical system or equipment in accordance with the electrical code constitutes a public duty and does not warrant or ensure the absence of any hazard, deficiency or other matter. Any duty created by or based on the electrical code is transferred to the public, and no private cause of action is created by a breach of such duty. The electrical code shall not be construed to relieve from or lessen the responsibility of any person, firm or corporation owning, operating or controlling any electrical system or equipment for any damages to persons or property caused by defects, nor shall the department of electrical inspection or the county be held as assuming any such liability by reason of the inspections or plans examinations authorized by the electrical code or any permits or certificates issued under the electrical code. The code official checks for substantial compliance with the electrical code, but reviews and inspections performed by the code official pursuant to this chapter do not create any guarantee or warranty that electrical systems or equipment have been constructed in accordance with all provisions of the electrical code. The permitting, plans examination, or inspection of any electrical system or equipment or construction document shall not be construed as a warranty of the physical condition or adequacy of such electrical system or equipment or construction document, including without limitation a representation or warranty that an electrical system or equipment is complete, that it is in compliance with the electrical code or any other law, that it was inspected, that it is safe or ready for occupancy or that it meets any particular degree of quality or workmanship. Quality control of materials and workmanship is not within the purview of the electrical code except as it relates to the purposes stated therein. The amount and quality of inspection and other services provided is discretionary with the code official and may vary in response to the amount of staff, work load,

training and experience, funding and other pertinent factors affecting whether and how inspection is made or whether any hazard, deficiency or similar matter is observed.

(Code 1992, § 5-432; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1080. Scope.

The electrical code shall regulate the design, construction, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of electrical systems and equipment.

(Code 1992, § 5-433; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1081. Responsibility.

It shall be the duty of every person who performs work for which the electrical code is applicable, to comply with the electrical code.

(Code 1992, § 5-434; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1082—7-1100. Reserved.

DIVISION 2. APPLICABILITY

Sec. 7-1101. Generally.

- (a) *Applicability.* The provisions of the electrical code shall apply to all matters affecting or relating to structures and premises, as set forth in division 1 of this article.
- (b) *Existing installations.* Except as otherwise provided for in this chapter, a provision in the electrical code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, existing installations lawfully in existence at the time of the adoption of the electrical code.
- (c) *Maintenance.* Electrical systems, equipment, materials and appurtenances, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe hazard-free condition. Devices or safeguards which are required by the electrical code shall be maintained in compliance with the electrical code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of the electrical systems and equipment. To determine compliance with this provision, the code official shall have the authority to require the electrical systems and equipment to be reinspected.
- (d) *Additions, alterations or repairs.* Additions, alterations, renovations or repairs to electrical systems and equipment shall conform to that required for new electrical systems and equipment without requiring the existing electrical systems or equipment comply with all of the requirements of the electrical code. Additions, alterations or repairs shall not cause existing electrical systems or equipment to become unsafe, hazardous or overloaded. Minor additions, alterations, renovations and repairs to existing electrical systems and equipment shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.
- (e) *Change in occupancy.* It shall be unlawful to make a change in occupancy of any structure which will subject the structure to the special provisions of the electrical code applicable to the new occupancy without approval. The code official shall certify that such structure meets the intent of the provisions of law

governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

- (f) *Moved buildings.* Electrical systems and equipment that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of the electrical code for new installations.

(Code 1992, § 5-441; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-17. Differences.

Where, in any specific case, different sections of the electrical code 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.

(Code 1992, § 5-442; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1103. Other laws.

The provisions of the electrical code shall not be deemed to nullify any provisions of local, state or federal law.

(Code 1992, § 5-443; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1104. Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapters, sections or provisions of the electrical code.

(Code 1992, § 5-444; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1105. Appendices.

Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

(Code 1992, § 5-445; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1106. Subjects not regulated by electrical code.

Where no applicable standards or requirements are set forth in the electrical code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of nationally recognized standards as are approved shall be deemed as prima facie evidence of compliance with the intent of the electrical code. Nothing herein shall derogate from the authority of the code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

(Code 1992, § 5-446; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1107. Use and occupancy.

No building or structure shall be used or occupied until a certificate of occupancy has been provided in accordance with the International Building Code.

(Code 1992, § 5-447; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1108—7-1137. Reserved.

DIVISION 3. PERMITS AND FEES

Sec. 7-1138. Permits required.

Permits required by the electrical code shall be obtained from the code official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official. If a licensed contractor performs work without obtaining any necessary permit, there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this jurisdiction.

(Code 1992, § 5-451; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1139. Types of permits.

- (a) *Required.* An 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 electrical systems or equipment, the installation of which is regulated by the electrical code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work.
- (b) *Exception.* Where repair or replacement of electrical systems or equipment must be performed in an emergency situation, the permit application shall be submitted within the next business day of the department of electrical inspection. For the purposes of this section, the term "emergency" means an unexpected situation requiring prompt action to safeguard life or limb, health, property and public welfare. This section shall not be construed as allowing work to be done without a permit to restore comfort and convenience items, equipment or systems. Emergency work performed shall not be done contrary to the provisions of the electrical code.

(Code 1992, § 5-452; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1140. Work exempt from permit.

The following work shall be exempt from the requirement for a permit:

- (1) Listed cord and plug connected temporary decorative lighting.
- (2) Reinstallation of attachment plug receptacles, but not the outlets therefor.
- (3) Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.
- (4) Temporary wiring for experimental purposes in suitable experimental laboratories.
- (5) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

Exemption from the permit requirements of the electrical code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the electrical code or any other laws or ordinances of this jurisdiction.

(Code 1992, § 5-453; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1141—7-1158. Reserved.

DIVISION 4. APPLICATION

Sec. 7-1159. Generally.

The code official is authorized to receive applications for and issue permits as required by the electrical code.

(Code 1992, § 5-461; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1160. Application.

Application for a permit shall be made to the code official in such form and detail as prescribed by the code official. Applications for permits shall be accompanied by such plans as prescribed by the code official.

(Code 1992, § 5-462; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1161. Action on application.

The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of the electrical code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable.

(Code 1992, § 5-463; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1162. Inspection required.

Before a permit is issued, the code official is authorized to inspect and approve the systems, equipment, buildings, devices, premises and spaces or areas to be used.

(Code 1992, § 5-464; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1163. Time limitation of application.

An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one extension of time for an additional period not exceeding 180 days. No application shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. A request for an extension must be received by the code official prior to the expiration of the application. The code official is not required to notify the applicant prior to the applications expiration or that the application has expired.

(Code 1992, § 5-465; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1164—7-1189. Reserved.

DIVISION 5. CONDITIONS

Sec. 7-1190. Conditions of permit.

A permit shall constitute permission to conduct work as set forth in the electrical code in accordance with the provisions of the electrical code. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of the electrical code or other applicable regulations or laws of the jurisdiction.

(Code 1992, § 5-471; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1191. Expiration.

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. A minimum of one inspection approval must be obtained as evidence that work was commenced or that work has continued. The determination as to whether work was suspended shall be based on the most recent inspection approval date.

(Code 1992, § 5-472; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1192. Extensions.

The code official is authorized to grant, in writing, one extension of time for an additional period of not more than 180 days provided no changes have been made or will be made in the original construction documents for such work. No permit shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. Requests for extensions must be received by the code official prior to the expiration of the permit. The code official is not required to notify the permittee prior to the permit(s) expiration or that the permit has expired. The fee for an extension shall be one-half the amount required for a new permit for such work.

(Code 1992, § 5-473; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1193. Posting the permit.

Work for which a permit is required shall not be commenced until the permit or copy thereof is posted on the site of the work until the completion of the project. The posted permit shall be visible from the street and maintained in such location by the permittee until final approval has been granted by the code official.

(Code 1992, § 5-474; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1194. Validity.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the electrical code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the electrical code or other ordinances of the

jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors in the construction documents and other data. The code official is also authorized to prevent occupancy or use of a structure where in violation of the electrical code or of any other ordinances of this jurisdiction.

(Code 1992, § 5-475; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1195. Information on the permit.

The code official shall issue all permits required by the electrical code on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the code official. Issued permits shall bear the signature of the code official.

(Code 1992, § 5-476; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1196. Suspension or revocation.

The code official is authorized to suspend or revoke a permit issued under the provisions of the electrical code whenever the permit is issued in error, on the basis of incorrect, inaccurate or incomplete information; in violation of any ordinance, regulation or any of the provisions of the electrical code; or if any one of the following conditions exists:

- (1) The permit is used for a location or establishment other than that for which it was issued.
- (2) The permit is used for a condition or activity other than that listed in the permit.
- (3) Conditions and limitations set forth in the permit have been violated.
- (4) There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
- (5) The permit is used by a different person or firm than the name for which it was issued.
- (6) The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of the electrical code within the time provide therein.
- (7) The permit was issued in error or in violation of an ordinance, regulation or the electrical code.

(Code 1992, § 5-477; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1197. Work without a permit: investigation required.

Whenever any work for which a permit is required has been commenced without first obtaining said permit, a stop work order shall be issued pursuant to division 20 of this article and a special investigation shall be made before a permit may be issued for such work.

(Code 1992, § 5-478; Ord. No. 2006-16, § 7, 12-14-2006; Ord. No. 2019-08 , § 39, 11-14-2019)

Secs. 7-1198—7-1227. Reserved.

DIVISION 6. FEES

Sec. 7-1228. Payment of fees.

A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(Code 1992, § 5-481; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1229. Schedule of permit and other fees.

A fee for each permit or other designated activity shall be paid as required, in accordance with the schedule as established by the board of commissioners of the county.

(Code 1992, § 5-482; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1230. Investigation fees; work without a permit.

Where work, for which a permit is required, has been commenced prior to obtaining a permit, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the electrical code. The minimum investigation fee shall be the same as the minimum permit fee set forth in accordance with the schedule as established by the board of commissioners of the county. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the electrical code nor from any penalty prescribed by law.

(Code 1992, § 5-483; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1231. Related fees.

The payment of the fee for the construction, alteration, removal or demolition for work done in connection with, or concurrently with, the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(Code 1992, § 5-484; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1232. Refunds.

- (a) The code official is authorized to establish a refund policy.
- (b) Refunds shall not be given:
 - (1) For an application or permit that has expired.
 - (2) If more than 180 days has elapsed from the application submittal date.
 - (3) If more than 180 days has elapsed from the permit issuance date.
 - (4) For that component of the permit fee which is representative of the development impact fee.
 - (5) For plan reviews already performed.
 - (6) If an inspection has been performed.

(Code 1992, § 5-485; Ord. No. 2006-16, § 7, 12-14-2006; Ord. No. 2019-08 , § 40, 11-14-2019)

Secs. 7-1233—7-1252. Reserved.

DIVISION 7. CONSTRUCTION DOCUMENTS

Sec. 7-1253. Submittal documents.

Construction documents, statement of special inspections and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional. Exception: The code 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 the electrical code.

(Code 1992, § 5-491; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1254. Information on construction documents.

- (a) *Contents.* Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when approved by the code official. 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 the electrical code and relevant laws, ordinances, rules and regulations, as determined by the code official. Sketches and pencil or other erasable media used to prepare construction documents shall not be accepted by the code official.
- (b) *Policies and procedures.* The code official shall establish policies and procedures for the minimum standards of acceptance for construction documents.
- (c) *Penetrations.* Construction documents shall indicate where penetrations will be made for electrical systems and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.
- (d) *Load calculations.* Where an addition or alteration is made to an existing electrical system, and electrical load calculation shall be prepared to determine if the existing electrical service has the capacity to serve the added load.

(Code 1992, § 5-492; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1255. Site plan.

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 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 code official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or where otherwise warranted.

(Code 1992, § 5-493; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1256—7-1283. Reserved.

DIVISION 8. EXAMINATION OF DOCUMENTS

Sec. 7-1284. Generally.

The code official shall examine or cause to be examine the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the electrical code and other pertinent laws or ordinances.

(Code 1992, § 5-501; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1285. Approval of construction documents.

- (a) *Issuance.* When the code official issues a permit, the construction documents shall be approved, in writing or by a stamp as "REVIEWED FOR CODE COMPLIANCE." One set of construction documents so reviewed shall be retained by the code 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 code official or a duly authorized representative.
- (b) *Previous approvals.* The electrical code shall not require changes in the construction documents, construction or installation of electrical systems or equipment 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 the electrical code and has not been abandoned.
- (c) *Phased approval.* The code official is authorized to issue a permit for the installation of part of an electrical system before the construction documents for the electrical system have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the electrical 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 system will be granted.

(Code 1992, § 5-502; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1286—7-1313. Reserved.

DIVISION 9. DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE

Sec. 7-1314. Generally.

When it is required that documents be prepared by a registered design professional, the code 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 code 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 system.

(Code 1992, § 5-510; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1315—7-1341. Reserved.

DIVISION 10. HANDLING SUBMITTALS

Sec. 7-1342. Deferred submittals.

For purposes of this section, the term "deferred submittals" means those portions of the design that are not submitted at the time of the application and that are to be submitted to the code official within a specified period. Deferral of any submittal items shall have the prior approval of the code official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the code official. Submittal 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 code official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the system. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the code official.

(Code 1992, § 5-511; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1343. Amended construction documents.

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. Willful and prejudicial departure from or disregard of construction documents in any material respect without the approval of the code official is unlawful.

(Code 1992, § 5-512; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1344. Retention of construction documents.

One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from the date of completion of the permitted work, or as required by state or local laws.

(Code 1992, § 5-513; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1345—7-1371. Reserved.

DIVISION 11. APPROVAL

Sec. 7-1372. Approved materials and equipment.

- (a) All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.
- (b) Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the

department, the code official is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or organization acceptable to the code official and shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The code official is authorized to require design submittals to be prepared by and bear the stamp of a registered design professional.

(Code 1992, § 5-521; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1373. Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of the electrical code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of the electrical code impractical and the modification is in compliance with the intent and purpose of the electrical code and that such modification does not lessen health, accessibility, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of electrical inspection.

(Code 1992, § 5-522; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1374. Alternative materials, methods, equipment and appliances.

The provisions of the electrical code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by the electrical code, provided that any such alternative has been approved. An alternative material, or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of the electrical code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the electrical code in quality, strength, effectiveness, fire resistance, durability and safety.

(Code 1992, § 5-523; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1375. Material, equipment and appliance reuse.

Materials, equipment, appliances and devices shall not be reused unless such elements have been reconditioned, tested, placed in good and proper working condition and approved.

(Code 1992, § 5-524; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1376—7-1403. Reserved.

DIVISION 12. TESTING

Sec. 7-1404. Required testing.

Whenever there is insufficient evidence of compliance with the provisions of the electrical code, or evidence that a material or method does not conform to the requirements of the electrical code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

(Code 1992, § 5-531; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1405. Test methods.

Test methods shall be as specified in the electrical code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

(Code 1992, § 5-532; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1406. Testing agency.

All tests shall be performed by an approved agency.

(Code 1992, § 5-533; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1407. Test reports.

Reports of tests shall be retained by the code official for the period required for retention of public records.

(Code 1992, § 5-534; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1408—7-1437. Reserved.

DIVISION 13. ALTERNATIVE ENGINEERED DESIGN

Sec. 7-1438. Generally.

The design, documentation, inspection, testing and approval of an alternative engineered design electrical system shall comply with this section.

(Code 1992, § 5-541; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1439. Design criteria.

An alternative engineered design shall conform to the intent of the provisions of the electrical code and shall provide an equivalent level of quality, strength, effectiveness, fire resistance, durability and safety. Materials, equipment or components shall be designated and installed in accordance with the manufacturer's installation instructions.

(Code 1992, § 5-542; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1440. Submittal.

The registered design professional shall indicate on the permit application that the electrical system is an alternative engineered design. The permit and permanent permit records shall indicate that an alternative engineered design was part of the approved installation.

(Code 1992, § 5-543; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1441. Technical data.

The registered design professional shall submit sufficient technical data to substantiate the proposed alternative engineered design and to prove that the performance meets the intent of the electrical code.

(Code 1992, § 5-544; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1442. Construction documents.

The registered design professional shall submit to the code official two complete sets of signed and sealed construction documents for the alternative engineered design. The construction documents shall include floor plans and a diagram of the work.

(Code 1992, § 5-545; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1443. Design approval.

Where the code official determines that the alternative engineered design conforms to the intent of the electrical code, the electrical system shall be approved. If the alternative engineered design is not approved, the code official shall notify the registered design professional in writing, stating the reasons therefor.

(Code 1992, § 5-546; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1444. Inspection and testing.

The alternative engineered design shall be tested and inspected in accordance with the requirements of the electrical code.

(Code 1992, § 5-547; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1445—7-1466. Reserved.

DIVISION 14. INSPECTIONS AND TESTING

Sec. 7-1467. Generally.

The code official is authorized to conduct inspections that are deemed necessary to determine the extent of compliance with the provisions of the electrical code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

- (1) *Required inspections.* The code official, upon notification, shall make the inspections set forth in this section.
- (2) *Evaluation and followup inspection services.* Prior to the approval of a prefabricated construction assembly having concealed electrical work and the issuance of an electrical permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly

indicating the complete details of the electrical system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to the electrical code.

- a. *Evaluation service.* The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to the electrical code.
 - b. *Followup inspection.* Except where ready access is provided to electrical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the followup inspection manual and a report of inspections upon request, and the electrical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.
 - c. *Test and inspection records.* Required test and inspection records shall be available to the code official at all times during the fabrication of the electrical system and the erection of the building, or such records as the code official designates shall be filed.
- (3) *Concealed work.* Work shall remain accessible and exposed for inspection purposes until approved. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Wherever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the code official shall have the authority to require that such work be exposed for inspection. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
 - (4) *Underground.* Underground inspection shall be made after trenches or ditches are excavated and bedded, piping and conductors installed, and before any backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selected material, approved running boards, sleeves or other means.
 - (5) *Rough-in.* Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all wiring and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
 - (6) *Other inspections.* In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the electrical code and other laws, which are enforced by the department of electrical inspection.
 - (7) *Final inspection.* The final inspection shall be made after all work required by the permit is completed.
 - (8) *Approved construction documents.* Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.
 - (9) *Approval required.* Work shall not be performed beyond the point indicated in each successive inspection and test without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and tests and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the electrical code. Any portions that do not

comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

- a. Work covered without inspection approval: investigation required. Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

(Code 1992, § 5-551; Ord. No. 2006-16, § 7, 12-14-2006; Ord. No. 2019-08, § 41, 11-14-2019)

Sec. 7-1468. Validity.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the electrical code or of any other ordinance of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the electrical code or other ordinances of the jurisdiction shall not be valid.

(Code 1992, § 5-552; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1469. Preliminary inspection.

Before issuing a permit, the code official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. The code official shall be notified when the installation is ready for inspection and is authorized to conduct the inspection within a reasonable period of time.

(Code 1992, § 5-553; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1470. Entry.

- (a) *Authorized.* The code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with subsection (c) of this section for the purpose of enforcement of the electrical code.
- (b) *Identification.* The code official shall carry proper identification issued by the governing authority where inspecting structures, premises or facilities in the performance of duties under the electrical code and shall be identified by proper credentials issued by this governing authority.
- (c) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of the electrical code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon any premises a condition that is contrary to or in violation of the electrical code, which makes the structure or premises unsafe, dangerous or hazardous, the code official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the electrical code, provided that if the structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the code official is authorized to first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

(Code 1992, § 5-554; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1471. Inspection agencies.

The code official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

(Code 1992, § 5-555; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1472. Inspection requests.

It shall be the duty of the person doing the work authorized by a permit to notify the code official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by the electrical code to provide access to and means for inspection of such work.

(Code 1992, § 5-556; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1473. Assistance from other agencies.

The assistance and cooperation of police, building, fire and health department officials and all other officials shall be available as required in the performance of duties.

(Code 1992, § 5-557; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1474. Contractors responsibilities.

It shall be the responsibility of every contractor who enters into contracts for the installation or repair of electrical systems for which a permit is required to comply with adopted state and local rules and regulations concerning licensing.

(Code 1992, § 5-558; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1475—7-1496. Reserved.

DIVISION 15. TESTING

Sec. 7-1497. Generally.

Electrical work shall be tested as required in the electrical code. Tests shall be performed by the permit holder and observed by the code official.

(Code 1992, § 5-561; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1498. Apparatus, material and labor for tests.

Apparatus, material and labor required for testing an electrical system or part thereof shall be furnished by the permit holder.

(Code 1992, § 5-562; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1499. Reinspection and testing.

Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with the electrical code. The work or installation shall then be resubmitted to the code official for inspection and testing.

(Code 1992, § 5-563; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1500—7-1516. Reserved.

DIVISION 16. SERVICE UTILITIES

Sec. 7-1517. Connection of service utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the electrical code for which a permit is required, until approved by the code official.

(Code 1992, § 5-571; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1518. Temporary connection.

The code official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

(Code 1992, § 5-572; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1519. Authority to disconnect service utilities.

- (a) *Authorized.* The code official shall have the authority to authorize disconnection of the utility service to the building, structure or system regulate by the electrical code and the referenced codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.
- (b) *Connection after order to disconnect.* A person shall not make utility service or energy source connections to systems regulated by the electrical code, which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such systems.

(Code 1992, § 5-573; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1520—7-1541. Reserved.

DIVISION 17. UNSAFE SYSTEMS AND EQUIPMENT

Sec. 7-1542. Unsafe electrical systems.

An electrical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life is hereby declared unsafe. Use of an electrical system regulated by the electrical code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage

or abandonment is hereby declared an unsafe use. Such unsafe equipment and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

(Code 1992, § 5-581; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1543. Authority to condemn electrical systems.

Whenever the code official determines that any electrical system, or portion thereof, regulated by the electrical code has become hazardous to life, health or property, the code official shall order in writing that such electrical systems either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. No person shall use or maintain a defective electrical system after receiving such notice. When such electrical system is to be disconnected, written notice as prescribed in the electrical code shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

(Code 1992, § 5-582; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1544. Dangerous conditions.

Wherever the code official shall find any structure or upon any premises dangerous or hazardous conditions or materials, the code official is authorized to order such dangerous conditions or materials to be removed or remedied in accordance with the provisions of the electrical code.

(Code 1992, § 5-583; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1545. Record.

The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

(Code 1992, § 5-458; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1546. Notice.

If an unsafe condition is found, the code official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe condition to be removed within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of the order.

(Code 1992, § 5-585; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1547. Method of service.

Such notice shall be deemed properly served if a copy thereof is:

- (1) Delivered to the owner personally; or
- (2) Sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not

delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

(Code 1992, § 5-586; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1548—7-1567. Reserved.

DIVISION 18. VIOLATIONS

Sec. 7-1568. Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any system or equipment regulated by the electrical code, or cause same to be done, in conflict with or in violation of any of the provisions of the electrical code.

(Code 1992, § 5-591; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1569. Issuance.

Where the code official finds any building, premises, vehicle, system or equipment that is in violation of the electrical code, the code official is authorized to issue corrective orders.

(Code 1992, § 5-592; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1570. Notice.

Whenever the code official determines violations of the electrical code or observes an apparent or actual violation of a provision of the electrical code or other codes or ordinances under the code official's jurisdiction, the code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, where compliance is not immediate, specifying a time for reinspection. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(Code 1992, § 5-593; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1571. Service.

Any order or notice issued pursuant to the electrical 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.

(Code 1992, § 5-594; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1572. Compliance with orders and notices.

Orders and notice issued or served as provided by the electrical 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.
(Code 1992, § 5-595; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1573. Failure to correct violations.

If the notice of violation is not complied with, the code official is authorized to 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 the electrical code or of any order or direction made pursuant thereto.

(Code 1992, § 5-596; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1574. Failure to comply.

Failure to comply with an abatement notice or other corrective notice issued by the code official shall result in each day that such violation continues being regarded as a new and separate offense.

(Code 1992, § 5-597; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1575. Unauthorized tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with or removed without authorization from the code official.

(Code 1992, § 5-598; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1576—7-1593. Reserved.

DIVISION 19. PENALTIES

Sec. 7-1594. Penalties.

Any person who fails to comply with the provisions of the electrical code or who fails to carry out an order made pursuant of the electrical code or violates any condition attached to a permit, approval or certificate shall be subject to the penalties established by this jurisdiction.

(Code 1992, § 5-601; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1595. Abatement of violation.

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.

(Code 1992, § 5-602; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1596—7-1618. Reserved.

DIVISION 20. STOP WORK ORDER

Sec. 7-1619. Issuance.

Upon notice from the code official that any electrical work is being done contrary to the provisions of the electrical code, other pertinent laws or ordinances implemented through the enforcement of the electrical 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. The notice shall state the conditions under which work is authorized to resume.

(Code 1992, § 5-611; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1620. Emergencies.

When an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

(Code 1992, § 5-612; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1621. Unlawful continuance.

Any person 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.

(Code 1992, § 5-613; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1622—7-1640. Reserved.

DIVISION 21. EMERGENCY MEASURES

Sec. 7-1641. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "DANGER!—NO ENTRY." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

(Code 1992, § 5-621; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1642. Temporary safeguards.

Notwithstanding other provisions of the electrical code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(Code 1992, § 5-622; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1643. Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(Code 1992, § 5-623; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1644. Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(Code 1992, § 5-624; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1645. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(Code 1992, § 5-625; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1646. Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the board of commissioners of the county, be afforded a hearing as described in the electrical code.

(Code 1992, § 5-626; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1647. Emergency declaration.

In the event of a national, state, or local emergency declaration, the code official may waive or augment the provisions of this chapter as needed during the periods of emergency to protect public safety.

(Code 1992, § 5-627; Ord. No. 2006-16, § 7, 12-14-2006)

Sec. 7-1648. Disaster assessment.

- (a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the code official shall make or cause to be made any necessary visual, nondestructive inspections to determine:
- (1) Immediate hazards that jeopardize public safety, health or general welfare; and
 - (2) Extent of damage; and
 - (3) Necessity to evacuate or condemn the building or structure; and
 - (4) Necessity to disconnect or authorize reestablishment of utilities; and
 - (5) What permits will be required; and
 - (6) Whether plans are necessary.
- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
- (1) Inspected—No Restriction on Lawful Use or Occupancy (Green);
 - (2) Danger!—Limited Entry (Yellow); or
 - (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the code official.

- (c) *Policies and procedures.* The code official shall establish policies and procedures for conducting disaster assessments.

(Code 1992, § 5-628; Ord. No. 2006-16, § 7, 12-14-2006)

Secs. 7-1649—7-1679. Reserved.

ARTICLE VIII. PROCEDURES FOR THE ADMINISTRATION OF THE FUEL GAS CODE

DIVISION 1. GENERALLY

Sec. 7-1680. Applicability to fuel gas code.

The provisions of this article apply to the International Fuel Gas Code, as adopted in section 7-22. In this article the term "gas code" means the International Fuel Gas Code as adopted in section 7-22.

(Code 1992, § 5-631; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1681. Scope.

- (a) The provisions of the gas code shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and related accessories in accordance with subsection (1) through (7) of this section. Exception: Detached one- and two-family dwellings and multiple single-family dwellings

(townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

- (1) *Gaseous hydrogen systems.* Gaseous hydrogen systems shall be regulated by the gas code.
- (2) *Piping systems.* These regulations cover piping systems for natural gas with an operating pressure of 125 pounds per square inch gauge (psig) (862 kPa gauge) or less, and for LP-gas with an operating pressure of 20 psig (140 kPa gauge) or less, except as provided in section 402.6.1 of the gas code. Coverage shall extend from the point of delivery to the outlet of the equipment shutoff valves. Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance.
- (3) *Gas utilization equipment.* Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air and venting and connections to piping systems.
- (4) *Systems and equipment outside the scope.* The gas code shall not apply to the following:
 - a. Portable LP-gas equipment of all types that is not connected to a fixed fuel piping system.
 - b. Installation of farm equipment such as brooders, dehydrators, dryers and irrigation equipment.
 - c. Raw material (feedstock) applications except for piping to special atmosphere generators.
 - d. Oxygen-fuel gas cutting and welding systems.
 - e. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.
 - f. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms and natural gas processing plants.
 - g. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by, or used in, chemical reactions.
 - h. LP-gas installations at utility gas plants.
 - i. Liquefied natural gas (LNG) installations.
 - j. Fuel gas piping in power and atomic energy plants.
 - k. Proprietary items of equipment, apparatus or instruments such as gas-generating sets, compressors and calorimeters.
 - l. LP-gas equipment for vaporization, gas mixing and gas manufacturing.
 - m. Temporary LP-gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
 - n. Installation of LP-gas systems for railroad switch heating.
 - o. Installation of hydrogen gas, LP-gas and compressed natural gas (CNG) systems on vehicles.
 - p. Except as provided in the gas code, gas piping, meters, gas pressure regulators and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.
 - q. Building design and construction, except as specified herein.
 - r. Piping systems for mixtures of gas and air within the flammable range with an operating pressure greater than ten psig (69 kPa gauge).

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- s. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.
 - (b) Other fuels. The requirements for the design, installation, maintenance, alteration and inspection of mechanical systems operating with fuels other than fuel gas shall be regulated by the International Mechanical Code.

(Code 1992, § 5-632; Ord. No. 2006-16, § 8, 12-14-2006; Ord. No. 2019-08 , §§ 42, 43, 11-14-2019)

Sec. 7-1682. Appendices.

Provisions in the appendices shall not apply unless specifically adopted.

(Code 1992, § 5-633; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1683. Intent.

- (a) *Purpose.* The purpose of the gas code is to establish the minimum requirements to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems. The purpose of the gas code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of the gas code.
- (b) *Public duty, warranty and quality control.* The permitting, plans examination or inspection conducted with regard to a fuel gas system in accordance with the gas code constitutes a public duty and does not warrant or ensure the absence of any hazard, deficiency or other matter. Any duty created by or based on the gas code is transferred to the public, and no private cause of action is created by a breach of such duty. The gas code shall not be construed to relieve from or lessen the responsibility of any person, firm or corporation owning, operating or controlling any fuel gas system for any damages to persons or property caused by defects, nor shall the department of inspection or the county be held as assuming any such liability by reason of the inspections or plans examinations authorized by the gas code or any permits or certificates issued under the gas code. The code official checks for substantial compliance with the gas code, but reviews and inspections performed by the code official pursuant to this chapter do not create any guarantee or warranty that fuel gas systems have been constructed in accordance with all provisions of the gas code. The permitting, plans examination, or inspection of any fuel gas system or construction document shall not be construed as a warranty of the physical condition or adequacy of such fuel gas system or construction document, including without limitation a representation or warranty that a fuel gas system is complete, that it is in compliance with the gas code or any other law, that it was inspected, that it is safe or ready for occupancy or that it meets any particular degree of quality or workmanship. Quality control of materials and workmanship is not within the purview of the gas code except as it relates to the purposes stated therein. The amount and quality of inspection and other services provided is discretionary with the code official and may vary in response to the amount of staff, work load, training and experience, funding and other pertinent factors affecting whether and how inspection is made or whether any hazard, deficiency or similar matter is observed.

(Code 1992, § 5-634; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1684. Existing installations.

Except as otherwise provided for in this chapter, a provision in the gas code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, existing installations lawfully in existence at the time of the adoption of the gas code.

(Code 1992, § 5-635; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1685. Maintenance.

Installations, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe condition. Devices or safeguards which are required by the gas code shall be maintained in compliance with the gas code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of installations. To determine compliance with this provision, the code official shall have the authority to require an installation to be reinspected.

(Code 1992, § 5-636; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1686. Additions, alterations or repairs.

Additions, alterations, renovations or repairs to installations shall conform to that required for new installations without requiring the existing installation to comply with all of the requirements of the gas code. Additions, alterations or repairs shall not cause an existing installation to become unsafe, hazardous or overloaded. Minor additions, alterations, renovations and repairs to existing installations shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

(Code 1992, § 5-637; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1687. Change in occupancy.

It shall be unlawful to make a change in the occupancy of a structure which will subject the structure to the special provisions of the gas code applicable to the new occupancy without approval. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

(Code 1992, § 5-638; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1688. Historic buildings.

The provisions of the gas code 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 code 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.

(Code 1992, § 5-639; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1689. Moved buildings.

Except as determined by section 7-1684, installations that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of the gas code for new installations.

(Code 1992, § 5-640; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1690. Requirements not covered by code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed installation, or for the public safety, health and general welfare, not specifically covered by the gas code shall be determined by the code official.

(Code 1992, § 5-641; Ord. No. 2006-16, § 8, 12-14-2006)

Secs. 7-1691—7-1718. Reserved.

DIVISION 2. PERMITS

Sec. 7-1719. When required.

- (a) *Required.* An owner, authorized agent or contractor who intends to erect, install, enlarge, alter, repair, remove, convert or replace an installation regulated by the gas code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit.
- (b) *Exception.* Where equipment replacements and repairs are required to be performed in an emergency situation, the permit application shall be submitted within the next business day of the department of inspection. For the purposes of this section, the term "emergency" means an unexpected situation requiring prompt action to safeguard life or limb, health, property and public welfare. This section shall not be construed as allowing work to be done without a permit to restore comfort and convenience items, equipment or systems. Emergency work performed shall not be done contrary to the provisions of the gas code. If a licensed contractor performs work without obtaining any necessary permit, there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this jurisdiction.

(Code 1992, § 5-651; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1720. Permits not required.

Permits shall not be required for the following:

- (1) Any portable heating appliance.
- (2) Replacement of any minor component of equipment that does not alter approval of such equipment or make such equipment unsafe.

Exemption from the permit requirements of the gas code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the gas code or any other laws or ordinances of this jurisdiction.

(Code 1992, § 5-652; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1721. Application for permit.

- (a) *Required.* Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.
- (b) *Construction documents.* The code official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the gas code and other pertinent laws or ordinances. Construction documents, engineering calculations, diagrams and other such data shall be submitted in two or more sets with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of the gas code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipe, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking. Sketches and pencil or other erasable media used to prepare construction documents shall not be accepted by the code official. Exception: The code official is authorized to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that review of construction documents is not necessary to determine compliance with the gas code.
- (c) *Policies and procedures.* The code official shall establish policies and procedures for the minimum standards of acceptance for construction documents.
- (d) *Action on application.* The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of the gas code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable.
- (e) *Time limitation of application.* An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one extension of time for an additional period not exceeding 180 days. No application shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. A request for an extension must be received by the code official prior to the expiration of the application. The code official is not required to notify the applicant prior to the application's expiration or that the application has expired.

(Code 1992, § 5-653; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1722. Permit issuance.

- (a) *Review by code official.* The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of the gas code and all laws and ordinances applicable thereto, and that the fees specified in section 7-1723 have been paid, a permit shall be issued to the applicant.
- (b) *Construction documents.*

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- (1) *Approved.* When the code official issues a permit where construction documents are required, the construction documents shall be approved, in writing and stamped "REVIEWED FOR CODE COMPLIANCE." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents. The code official is authorized to issue a permit for the construction of a part of a plumbing system before the entire construction documents for the whole system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the gas 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 without assurance that the permit for the entire plumbing system will be granted.
 - (2) *Amended.* 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. Willful and prejudicial departure from or disregard of construction documents in any material respect without the approval of the code official is unlawful.
- (c) *Validity.* The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the gas code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the gas code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors in the construction documents and other data or from preventing building operations being carried on thereunder when in violation of the gas code or of other ordinances of this jurisdiction. The code official is also authorized to prevent occupancy or use of a structure where in violation of the gas code or of any other ordinances of this jurisdiction.
 - (d) *Expiration.* Every permit issued shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. A minimum of one inspection approval must be obtained as evidence that work was commenced or that work has continued. The determination as to whether work was suspended shall be based on the most recent inspection approval date.
 - (e) *Extensions.* The code official is authorized to grant, in writing, one extension of time for an additional period of not more than 180 days provided no changes have been made or will be made in the original construction documents for such work. No permit shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. Requests for extensions must be received by the code official prior to the expiration of the permit. The code official is not required to notify the permittee prior to the permit's expiration or that the permit has expired. The fee for an extension shall be one-half the amount required for a new permit for such work.
 - (f) *Suspension or revocation of permit.* The code official shall revoke a permit or approval issued under the provisions of the gas code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.
 - (g) *Retention of construction documents.* One set of construction documents shall be retained by the code official until final approval of the work covered therein. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.
 - (h) *Placement of permit.* Work for which a permit is required shall not be commenced until the building permit or copy thereof is posted on the site of the work until the completion of the project. The posted permit shall

be visible from the street and maintained in such location by the permittee until final approval has been granted by the code official.

- (i) *Responsibility.* It shall be the duty of every person who performs work for which the gas code is applicable, to comply with the gas code.
- (j) *Approved construction documents.* Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.
- (k) *Work without a permit; investigation required.* Whenever any work for which a permit is required has been commenced without first obtaining said permit, a stop work order shall be issued pursuant to division 4 of this article and a special investigation shall be made before a permit may be issued for such work.

(Code 1992, § 5-654; Ord. No. 2006-16, § 8, 12-14-2006; Ord. No. 2019-08 , § 44, 11-14-2019)

Sec. 7-1723. Fees.

- (a) *Payment of fees.* A permit shall not be issued until the fees prescribed in subsection (c) of this section have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the plumbing systems, has been paid.
- (b) *Investigation fees; work without a permit.* Where work, for which a permit is required, has been commenced prior to obtaining a permit, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the gas code. The minimum investigation fee shall be the same as the minimum permit fee set forth in accordance with the schedule as established by the board of commissioners of the county. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the gas code nor from any penalty prescribed by law.
- (c) *Fee schedule.* For plumbing systems or alterations requiring a permit or other designated activity, a fee for each permit shall be paid as required, in accordance with the schedule as established by the board of commissioners of the county.
- (d) *Fee refunds.*
 - (1) The code official is authorized to establish a refund policy.
 - (2) Refunds shall not be given:
 - a. For an application or permit that has expired.
 - b. If more than 180 days has elapsed from the application submittal date.
 - c. If more than 180 days has elapsed from the permit issuance date.
 - d. For that component of the permit fee which is representative of the development impact fee.
 - e. For plan reviews already performed.
 - f. If an inspection has been performed.

(Code 1992, § 5-655; Ord. No. 2006-16, § 8, 12-14-2006; Ord. No. 2019-08 , § 45, 11-14-2019)

Secs. 7-1724—7-1754. Reserved.

DIVISION 3. INSPECTIONS AND TESTING

Sec. 7-1755. Generally.

Work for which a permit is required shall be subject to inspection by the code official and such work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the gas code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the gas code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(Code 1992, § 5-661; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1756. Preliminary inspection.

- (a) *Review by code official.* Before issuing a permit, the code official is authorized to examine, or cause to be examined, fuel gas systems for which an application has been filed.
- (b) *Required inspections and testing.* The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.
 - (1) Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
 - (2) Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
 - (3) Final inspection shall be made upon completion of the installation.
 - (4) Other inspections. In addition to the inspections specified in this subsection (b), the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the gas code and other laws that are enforced by the department of inspection. The requirements of this section shall not be considered to prohibit the operation of any heating equipment installed to replace existing heating equipment serving an occupied portion of a structure in the event a request for inspection of such heating equipment has been filed with the department not more than 48 hours after replacement work is completed, and before any portion of such equipment is concealed by any permanent portion of the structure.
- (c) *Approved inspection agencies.* Test reports submitted to the code official for consideration shall be developed by approved agencies that have satisfied the requirements as to qualifications and reliability.
- (d) *Evaluation and followup inspection services.* Prior to the approval of a closed, prefabricated construction assembly having concealed work and the issuance of a permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly indicating the complete details of the

installation, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to the gas code.

- (1) *Evaluation service.* The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to the gas code.
- (2) *Followup inspection.* Except where ready access is provided to installations, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the followup inspection manual and a report of inspections upon request, and the plumbing system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.
- (3) *Test and inspection records.* All required test and inspection records shall be available to the code official at all times during the fabrication of the installation and the erection of the building, or such records as the code official designates shall be filed.

(Code 1992, § 5-662; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1757. Testing.

- (a) *Required.* Installations shall be tested as required in the gas code and in accordance with subsections (b) through (d) of this section. Tests shall be made by the permit holder and observed by the code official.
- (b) *New, altered, extended or repaired installations.* New installations and parts of existing installations that have been altered, extended or repaired shall be tested as prescribed herein to disclose leaks and defects.
- (c) *Apparatus, instruments, material and labor for tests.* Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder.
- (d) *Reinspection and testing.* Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with the gas code. The work or installation shall then be resubmitted to the code official for inspection and testing.

(Code 1992, § 5-663; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1758. Approval.

After the prescribed tests and inspections indicate that the work complies in all respects with the gas code, a notice of approval shall be issued by the code official. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or his agent wherein the same fails to comply with the gas code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

(Code 1992, § 5-664; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1759. Temporary connection.

The code official shall have the authority to authorize the temporary connection of an installation to the sources of energy for the purpose of testing the installation or for use under a temporary certificate of occupancy. (Code 1992, § 5-665; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1760. Work covered without inspection approval; investigation required.

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

(Code 1992, § 5-666; Ord. No. 2006-16, § 8, 12-14-2006; Ord. No. 2019-08 , § 46, 11-14-2019)

Sec. 7-1761. Inspection requests.

It shall be the duty of the permit holder of the building permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work that are required by the gas code.

(Code 1992, § 5-667; Ord. No. 2006-16, § 8, 12-14-2006)

Secs. 7-1762—7-1785. Reserved.

DIVISION 4. VIOLATIONS

Sec. 7-1786. Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize an installation, or cause same to be done, in conflict with or in violation of any of the provisions of the gas code.

(Code 1992, § 5-671; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1787. Notice of violation.

The code official shall serve a notice of violation or order on the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of work in violation of the provisions of the gas code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of the gas code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(Code 1992, § 5-672; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1788. Prosecution of violation.

If the notice of violation is not complied with in the time prescribed by such notice, the code official shall request the solicitor general of the county state court to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the gas code or of the order or direction made pursuant thereto.

(Code 1992, § 5-673; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1789. Violation penalties.

Any person who violates a provision of the gas code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of the gas code, shall be subject to penalties as prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Code 1992, § 5-674; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1790. Stop work orders.

Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of the gas code, other pertinent laws or ordinances implemented through the enforcement of the gas code, 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 the owner's agent or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. When an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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.

(Code 1992, § 5-675; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1791. Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude 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 building, structure or premises, or to stop an illegal act, conduct, business or utilization of the installations on or about any premises.

(Code 1992, § 5-676; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1792. Unsafe installations.

- (a) *Declaration of public nuisance.* An installation that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life is hereby declared unsafe. Use of an installation regulated by the gas code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe installations are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

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- (b) *Authority to condemn installations.* Whenever the code official determines that any installation, or portion thereof, regulated by the gas code has become hazardous to life, health or property, the code official shall order in writing that such installations either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. No person shall use or maintain a defective installation after receiving such notice. When such installation is to be disconnected, written notice as prescribed in section 7-1787 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.
- (c) *Authority to disconnect service utilities.* The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service systems shall be notified in writing, as soon as practical thereafter.
- (d) *Connection after order to disconnect.* No person shall make connection from any energy source to installations regulated by the gas code that have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be disconnected by the code official until the code official authorizes the reconnection and use of such installations. When an installation is maintained in violation of the gas code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

(Code 1992, § 5-677; Ord. No. 2006-16, § 8, 12-14-2006)

Secs. 7-1793—7-1817. Reserved.

DIVISION 5. EMERGENCY MEASURES

Sec. 7-1818. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "DANGER!—NO ENTRY." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

(Code 1992, § 5-681; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1819. Temporary safeguards.

Notwithstanding other provisions of the gas code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(Code 1992, § 5-682; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1820. Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(Code 1992, § 5-683; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1821. Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(Code 1992, § 5-684; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1822. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(Code 1992, § 5-685; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1823. Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the board of commissioners of the county, be afforded a hearing as described in the gas code.

(Code 1992, § 5-686; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1824. Emergency declaration.

In the event of a national, state, or local emergency declaration, the code official may waive or augment the provisions of this chapter as needed during the periods of emergency to protect public safety.

(Code 1992, § 5-687; Ord. No. 2006-16, § 8, 12-14-2006)

Sec. 7-1825. Disaster assessment.

- (a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the code official shall make or cause to be made any necessary visual, nondestructive inspections to determine:
 - (1) Immediate hazards that jeopardize public safety, health or general welfare; and
 - (2) Extent of damage;
 - (3) Necessity to evacuate or condemn the building or structure;

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- (4) Necessity to disconnect or authorize reestablishment of utilities;
 - (5) What permits will be required; and
 - (6) Whether plans are necessary.
- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
- (1) Inspected—No Restriction on Lawful use or Occupancy (Green); or
 - (2) Danger!—Limited Entry (Yellow); or
 - (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the code official.

(Code 1992, § 5-688; Ord. No. 2006-16, § 8, 12-14-2006; Ord. No. 2019-08, § 47, 11-14-2019)

Secs. 7-1826—7-1853. Reserved.

ARTICLE IX. PROCEDURES FOR THE ADMINISTRATION OF THE PROPERTY MAINTENANCE CODE

DIVISION 1. GENERALLY

Sec. 7-1854. Applicability to property maintenance code.

The provisions of this article apply to the International Property Maintenance Code, as adopted in section 7-22. In this article the term "property maintenance code" means the International Property Maintenance Code as adopted in section 7-22.

(Code 1992, § 5-691; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1855. Scope.

The provisions of property maintenance code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(Code 1992, § 5-692; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1856. Intent.

The property maintenance code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the International Existing Building Code. The purpose

of property maintenance code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of property maintenance code.

(Code 1992, § 5-693; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1857. Maintenance.

Equipment, systems, devices and safeguards required by property maintenance code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for an occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of property maintenance code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner(s) designated agent shall be responsible for the maintenance of buildings, structures and premises.

(Code 1992, § 5-694; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1858. Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Existing Building Code. Nothing in property maintenance code shall be construed to cancel, modify or set aside any provision of chapter 110, zoning.

(Code 1992, § 5-695; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1859. Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of property maintenance code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

(Code 1992, § 5-696; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1860. Historic buildings.

The provisions of property maintenance code 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 code official to be safe and in the public interest of health, safety and welfare.

(Code 1992, § 5-69; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1861. Requirements not covered by property maintenance code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by property maintenance code, shall be determined by the code official.

(Code 1992, § 5-698; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1862. Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under property maintenance code shall be set by the board of commissioners of the county, a schedule of which is kept in the office of permits and inspections.

(Code 1992, § 5-699; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1863. Severability.

If any action, subsection, sentence, clause or phrase of property maintenance code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of property maintenance code.

(Code 1992, § 5-700; Ord. No. 2006-16, § 9, 12-14-2006)

Secs. 7-1864—7-1884. Reserved.

DIVISION 2. VIOLATIONS

Sec. 7-1885. Unlawful acts.

It shall be unlawful for any person, firm or corporation be in conflict with or in violation of any of the provisions of property maintenance code.

(Code 1992, § 5-711; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1886. Notice of violation.

The code official shall serve a notice of violation or order in accordance with division 3 of this article.

(Code 1992, § 5-712; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1887. Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with division 3 of this article shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of property maintenance code or the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(Code 1992, § 5-713; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1888. Violation penalties.

Any person who violates a provision of property maintenance code or fails to comply with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Code 1992, § 5-714; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1889. Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude 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 building, structure or premises, or to stop an illegal act, conduct, business or utilization of the installations on or about any premises.

(Code 1992, § 5-715; Ord. No. 2006-16, § 9, 12-14-2006)

Secs. 7-1890—7-1906. Reserved.

DIVISION 3. NOTICES AND ORDERS

Sec. 7-1907. Notice to person responsible.

Whenever the code official determines that there has been a violation of property maintenance code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in sections 7-1908 and 7-1909 to the person responsible for the violation as specified in property maintenance code.

(Code 1992, § 5-721; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1908. Form.

Such notice prescribed in section 7-1907 shall be in accordance with all of the following:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification.
- (3) Include a statement of the violations and why the notice is being issued.
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of property maintenance code.
- (5) Inform the property owner of the right to appeal.
- (6) Include a statement of the right to file a lien in accordance with section 7-1887.

(Code 1992, § 5-722; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1909. Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
- (2) Sent by certified or first-class mail addressed to the last known address; or
- (3) If the notice is returned showing that the letter was not delivered, posted in a conspicuous place in or about the structure affected by such notice.

(Code 1992, § 5-723; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1910. Penalties.

Penalties for noncompliance with orders and notices shall be set forth in section 7-1888.

(Code 1992, § 5-724; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1911. Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the correction or repairs required by such compliance order or notice of violation.

(Code 1992, § 5-725; Ord. No. 2006-16, § 9, 12-14-2006)

Secs. 7-1912—7-1935. Reserved.

DIVISION 4. EMERGENCY MEASURES

Sec. 7-1936. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is an actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "DANGER!—NO ENTRY." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making required repairs, removing the hazardous condition or of demolishing the same.

(Code 1992, § 5-731; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1937. Temporary safeguards.

Notwithstanding other provisions of the property maintenance code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(Code 1992, § 5-731; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1938. Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(Code 1992, § 5-733; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1939. Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(Code 1992, § 5-734; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1940. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(Code 1992, § 5-735; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1941. Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the board of commissioners of the county, be afforded a hearing as described in property maintenance code.

(Code 1992, § 5-736; Ord. No. 2006-16, § 9, 12-14-2006)

Sec. 7-1942. Emergency declaration.

In the event of a national, state, or local emergency declaration, the code official may waive or augment the provisions of this chapter as needed during the periods of emergency to protect public safety.

(Code 1992, § 5-737; Ord. No. 2006-16, § 9, 12-14-2006)

Secs. 7-1943—7-1967. Reserved.

**ARTICLE X. PROCEDURES FOR THE ADMINISTRATION OF THE EXISTING BUILDING
CODE**

DIVISION 1. GENERALLY

Sec. 7-1968. Applicability to existing building code.

The provisions of this article apply to the International Existing Building Code, as adopted in section 7-22. In this article the term "existing building code" means the International Existing Building Code as adopted in section 7-22.

(Code 1992, § 5-741; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-1969. Scope.

The provisions of the existing building code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. A building or portion of a building that has not been previously occupied or used for its intended purpose shall comply with the provisions of the International Building Code for new construction. Repairs, alterations, change in occupancy, existing buildings to which additions are made, historic buildings, and relocated buildings complying with the provisions of the International Building Code, International Mechanical Code, International Plumbing Code, and International Residential Code as applicable shall be considered in compliance with the provisions of the existing building code.

(Code 1992, § 5-742; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-1970. Intent.

- (a) *Purpose.* The purpose of the existing building code is to establish the minimum requirements to safeguard the public health, safety and general welfare insofar as they are affected by the repair, alteration, change of occupancy, addition, and relocation of existing buildings. The purpose of the existing building code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of the existing building code.
- (b) *Public duty, warranty and quality control.* The permitting, plans examination or inspection conducted with regard to a building or structure in accordance with the existing building code constitutes a public duty and does not warrant or ensure the absence of any hazard, deficiency or other matter. Any duty created by or based on the existing building code is transferred to the public, and no private cause of action is created by a breach of such duty. The existing building code shall not be construed to relieve from or lessen the responsibility of any person, firm or corporation owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the department of building safety or the county be held as assuming any such liability by reason of the inspections or plans examinations authorized by the existing building code or any permits or certificates issued under the existing building code. The code official checks for substantial compliance with the existing building code, but reviews and inspections performed by the code official pursuant to this chapter do not create any guarantee or warranty that buildings, structures or service equipment have been constructed in accordance with all provisions of the

existing building code. The permitting, plans examination, or inspection of any building, structure, system, element, or construction document shall not be construed as a warranty of the physical condition or adequacy of such building, structure, system, element, or construction document, including without limitation a representation or warranty that a building or structure is complete, that it is in compliance with the existing building code or any other law, that it was inspected, that it is safe or ready for occupancy or that it meets any particular degree of quality or workmanship. Quality control of materials and workmanship is not within the purview of the existing building code except as it relates to the purposes stated therein. The amount and quality of inspection and other services provided is discretionary with the code official and may vary in response to the amount of staff, work load, training and experience, funding and other pertinent factors affecting whether and how inspection is made or whether any hazard, deficiency or similar matter is observed.

(Code 1992, § 5-743; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-1971. Existing buildings.

The legal occupancy of any building existing on the date of adoption of the existing building code shall be permitted to continue without change, except as is specifically covered in the existing building code, the International Fire Code, or the International Property Maintenance Code, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.

(Code 1992, § 5-744; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-1972. Maintenance.

- (a) *Buildings and parts thereof shall be maintained in a safe and sanitary condition.* The provisions of the International Property Maintenance Code shall apply to the maintenance of existing buildings and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing premises and buildings. All existing devices or safeguards shall be maintained in all existing buildings. The owner or the owner's designated agent shall be responsible for the maintenance of the building. To determine compliance with this subsection, the code official shall have the authority to require a building to be reinspected. Except where specifically permitted by the existing building code, the existing building code shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings.
- (b) *Work on individual components or portions.* Where the code official determines that a component or a portion of a building or structure is in need of repair, strengthening or replacement by provisions of the existing building code, only that specific component or portion shall be required to be repaired, strengthened, or replaced unless specifically required by other provisions of the existing building code.
- (c) *Design values for existing materials and construction.* The incorporation of existing materials, construction, and detailing into the structural system shall be permitted when approved by the code official. Minimum quality levels and maximum strength values shall comply with the existing building code.

(Code 1992, § 5-745; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-1973. Safeguards during construction.

All construction work covered in the existing building code, including any related demolition, shall comply with the requirements of the existing building code.

(Code 1992, § 5-746; Ord. No. 2006-16, § 10, 12-14-2006; Ord. No. 2019-08, § 48, 11-14-2019)

Sec. 7-1974. Appendices.

The code official is authorized to require rehabilitation and retrofit of buildings, structures, or individual structural members in accordance with the appendices of the existing building code if such appendices have been individually adopted. When any of such appendices is specifically referenced in the text of the existing building code, it becomes a part of the existing building code without any special adoption by the local jurisdiction.

(Code 1992, § 5-747; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-1975. Correction of violations of other codes.

Repairs or alterations mandated by any property, housing, or fire safety maintenance code or mandated by any licensing rule or ordinance adopted pursuant to law shall conform only to the requirements of that code, rule, or ordinance and shall not be required to conform to the existing building code unless the code requiring such repair or alteration so provides.

(Code 1992, § 5-748; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-1976. Standards and guidelines for structural evaluation.

The code official shall allow structural evaluation, condition assessment, and rehabilitation of buildings, structures, or individual structural members based on the existing building code's appendix chapters, referenced standards, guidelines, or other approved standards and procedures. Compliance with the structural provisions of the International Building Code shall be deemed exceeding or equivalent to compliance with the structural provisions of the existing building code.

(Code 1992, § 5-749; Ord. No. 2006-16, § 10, 12-14-2006; Ord. No. 2019-08, § 49, 11-14-2019)

Secs. 7-1977—7-2005. Reserved.

DIVISION 2. PERMITS

Sec. 7-2006. Required.

Any owner or authorized agent who intends to repair, add to, alter, relocate, demolish or change the occupancy of a building or to repair, install, add, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the existing building code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit. If a licensed contractor performs construction without obtaining any necessary permit, there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this jurisdiction.

(Code 1992, § 5-761; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2007. Work exempt from permit.

Exemptions from permit requirements of the existing building code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the existing building code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

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- (1) *Building.*
 - a. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
 - b. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 - c. Temporary motion picture, television and theater stage sets and scenery.
 - d. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
 - e. Window awnings supported by an exterior wall of Group R-3 or Group U occupancies.
 - f. Movable cases, counters and partitions not over five feet nine inches (1,753 mm) in height.
 - (2) *Electrical.*
 - a. *Repairs and maintenance.* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - b. *Radio and television transmitting stations.* The provisions of the existing building 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.
 - c. *Temporary testing systems.* A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
 - (3) *Gas.*
 - a. Portable heating appliance.
 - b. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.
 - (4) *Mechanical.*
 - a. Portable heating appliance.
 - b. Portable ventilation equipment.
 - c. Portable cooling unit.
 - d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the existing building code.
 - e. Replacement of any part that does not alter approval or make it unsafe.
 - f. Portable evaporative cooler.
 - g. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
 - (5) *Plumbing.*
 - a. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the existing building code.

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- b. 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.
 - (6) *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 code official. For the purposes of this section, the term "emergency" means an unexpected situation requiring prompt action to safeguard life or limb, health, property and public welfare. This section shall not be construed as allowing work to be done without a permit to restore comfort and convenience items, equipment or systems. Emergency work performed shall not be done contrary to the provisions of the existing building code.
 - (7) *Repairs.* Application or notice to the code official is not required for ordinary repairs to structures and items listed in this section. Such repairs shall not include the cutting away of any 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.
 - (8) *Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

(Code 1992, § 5-762; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2008. Application for permit.

- (a) *Required.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:
 - (1) Identify and describe the work in accordance with chapter 3 of the existing building code to be covered by the permit for which application is made.
 - (2) 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 definitely locate the proposed building or work.
 - (3) Indicate the use and occupancy for which the proposed work is intended.
 - (4) Be accompanied by construction documents and other information as required in section 7-2041.
 - (5) State the valuation of the proposed work.
 - (6) Be signed by the applicant or the applicant's authorized agent.
 - (7) Give such other data and information as required by the code official.
- (b) *Action on application.* The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of the existing building code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable.
- (c) *Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one extension of time for an

additional period not exceeding 180 days. No application shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. A request for an extension must be received by the code official prior to the expiration of the application. The code official is not required to notify the applicant prior to the application's expiration or that the application has expired.

(Code 1992, § 5-763; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2009. Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the existing building code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the existing building code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors in the construction documents and other data. The code official is also authorized to prevent occupancy or use of a structure where in violation of the existing building code or of any other ordinances of this jurisdiction.

(Code 1992, § 5-764; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2010. Expiration.

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. A minimum of one inspection approval must be obtained as evidence that work was commenced or that work has continued. The determination as to whether work was suspended shall be based on the most recent inspection approval date. The code official is authorized to grant, in writing, one extension of time for an additional period of not more than 180 days provided no changes have been made or will be made in the original construction documents for such work. No permit shall be extended more than once. The extension shall be requested in writing and justifiable cause demonstrated. Requests for extensions must be received by the code official prior to the expiration of the permit. The code official is not required to notify the permittee prior to the permit's expiration or that the permit has expired. The fee for an extension shall be one-half the amount required for a new permit for such work.

(Code 1992, § 5-765; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2011. Suspension or revocation.

The code official is authorized to suspend or revoke a permit issued under the provisions of the existing building code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of the existing building code.

(Code 1992, § 5-766; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2012. Placement of permit.

Work for which a permit is required shall not be commenced until the building permit or copy thereof is posted on the site of the work until the completion of the project. The posted permit shall be visible from the street and maintained in such location by the permittee until final approval has been granted by the code official.

(Code 1992, § 5-767; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2013. Responsibility.

It shall be the duty of every person who performs work for which the existing building code is applicable, to comply with the existing building code.

(Code 1992, § 5-768; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2014. Approved construction documents.

Work for which a permit is required shall not be commenced until the permittee has made available approved construction documents on the premises and in such a position to allow the code official convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the code official.

(Code 1992, § 5-769; Ord. No. 2006-16, § 10, 12-14-2006; Ord. No. 2019-08 , § 50, 11-14-2019)

Sec. 7-2015. Work without a permit: investigation required.

Whenever any work for which a permit is required has been commenced without first obtaining said permit, a stop work order shall be issued pursuant to division 9 of this article and a special investigation shall be made before a permit may be issued for such work.

(Code 1992, § 5-770; Ord. No. 2006-16, § 10, 12-14-2006; Ord. No. 2019-08 , § 51, 11-14-2019)

Secs. 7-2016—7-2038. Reserved.

DIVISION 3. CONSTRUCTION DOCUMENTS

Sec. 7-2039. Submittal documents.

- (a) *Special conditions.* Construction documents, statement of special inspections and structural observation programs, investigation and evaluation reports, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional. Exception: The code 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 the existing building code.
- (b) *Information on construction documents.* Construction documents shall be dimensioned and drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when approved by the code official. 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 the existing building code and relevant laws, ordinances, rules and regulations, as determined by the code official. The work areas shall be shown. Sketches and pencil or other erasable media used to prepare construction documents shall not be accepted by the code official.

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- (1) *Policies and procedures.* The code official shall establish policies and procedures for the minimum standards of acceptance for construction documents.
 - (2) *Fire protection system shop drawings.* Shop drawings for the fire protection systems shall be submitted to indicate conformance with the existing building 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 chapter 9 of the International Building Code.
- (c) *Means of egress.* The construction documents for alterations Level 2, alterations Level 3, additions, and changes of occupancy shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the existing building code. The construction documents shall designate the number of occupants to be accommodated in every work area of every floor, and in all affected rooms and spaces.
 - (d) *Exterior wall envelope.* Construction documents for all work affecting the exterior wall envelope shall describe the exterior wall envelope in sufficient detail to determine compliance with the existing building code. The construction documents shall provide details of the exterior wall envelope as required, including windows, doors, 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 wind and 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.

(Code 1992, § 5-781; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2040. Site plan.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing 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 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 code official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration, repair, or change of occupancy.

(Code 1992, § 5-782; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2041. Examination of documents.

- (a) *Review by code official.* The code official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the existing building code and other pertinent laws or ordinances.
- (b) *Approval of construction documents.* When the code official issues a permit, the construction documents shall be approved, in writing or by a stamp as "REVIEWED FOR CODE COMPLIANCE." One set of construction documents so reviewed shall be retained by the code 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 code official or a duly authorized representative.

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- (c) *Previous approvals.* The existing building code 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 the existing building code and has not been abandoned.
 - (d) *Phased approval.* The code 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 the existing building 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.
 - (e) *Deferred submittals.* For purposes of this section, the term "deferred submittals" mean those portions of the design that are not submitted at the time of the application and that are to be submitted to the code official within a specified period. Deferral of any submittal items shall have the prior approval of the code official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the code official. Submittal 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 code official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the code official.

(Code 1992, § 5-783; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2042. Amended construction documents.

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. Willful and prejudicial departure from or disregard of construction documents in any material respect without the approval of the code official is unlawful.

(Code 1992, § 5-784; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2043. Retention of construction documents.

One set of approved construction documents shall be retained by the code official for a period of not less than the period required for retention of public records.

(Code 1992, § 5-785; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2044. Design professional in responsible charge.

When it is required that documents be prepared by a registered design professional, the code 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 code 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. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

(Code 1992, § 5-786; Ord. No. 2006-16, § 10, 12-14-2006)

Secs. 7-2045—7-2066. Reserved.

DIVISION 4. FEES

Sec. 7-2067. Payment of fees.

A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(Code 1992, § 5-791; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2068. Schedule of permit and other fees.

- (a) *Payment of fees.* On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit or other designated activity shall be paid as required, in accordance with the schedule as established by the board of commissioners of the county.
- (b) *Investigation fees; work without a permit.* Where work, for which a permit is required, has been commenced prior to obtaining a permit, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the existing building code. The minimum investigation fee shall be the same as the minimum permit fee set forth in accordance with the schedule as established by the board of commissioners of the county. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the existing building code nor from any penalty prescribed by law.

(Code 1992, § 5-792; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2069. Building permit valuations.

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of the work, including materials and labor, for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems. If, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the code official. Final building permit valuation shall be set by the code official.

(Code 1992, § 5-793; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2070. Related fees.

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.

(Code 1992, § 5-794; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2071. Refunds.

- (a) The code official is authorized to establish a refund policy.
- (b) Refunds shall not be given:
 - (1) For an application or permit that has expired.
 - (2) If more than 180 days has elapsed from the application submittal date.
 - (3) If more than 180 days has elapsed from the permit issuance date.
 - (4) For that component of the permit fee which is representative of the development impact fee.
 - (5) For plan reviews already performed.
 - (6) If an inspection has been performed.

(Code 1992, § 5-795; Ord. No. 2006-16, § 10, 12-14-2006; Ord. No. 2019-08 , § 52, 11-14-2019)

Secs. 7-2072—7-2090. Reserved.

DIVISION 5. INSPECTIONS

Sec. 7-2091. Generally.

Construction or work for which a permit is required shall be subject to inspection by the code official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the existing building code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the existing building code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(Code 1992, § 5-801; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2092. Preliminary inspection.

Before issuing a permit, the code official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

(Code 1992, § 5-802; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2093. Required inspections.

- (a) *Required.* The code official, upon notification, shall make the inspections set forth in subsections (b) through (j) of this section.

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- (b) *Footing and foundation inspection.* Footing and foundation inspection 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 C94, the concrete need not be on the job.
 - (c) *Concrete slab or under-floor inspection.* 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.
 - (d) *Lowest floor elevation.* For additions and substantial improvements to existing buildings in flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in the International Building Code shall be submitted to the code official.
 - (e) *Frame inspection.* Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking 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.
 - (f) *Lath and gypsum board inspection.* 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.
 - (g) *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
 - (h) *Other inspections.* In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the existing building code and other laws that are enforced by the department of building safety.
 - (1) *Lot and foundation survey.* A survey of the lot and foundation shall be required by the building official to verify that the building or structure is located within the designated setbacks and in accordance with the approved plans for the following:
 - a. For all newly constructed single-family dwellings.
 - b. For residential accessory structures, pools and additions located within two feet of the setback, floodplain and/or watershed protection areas.
 - (2) The foundation survey shall occur after concrete is placed and shall be submitted to and approved by the county planning and zoning department and engineering department prior to the commencement of any framing operations or work. It shall be unlawful to commence any framing operations or work until the foundation survey is approved by the county planning and zoning department and engineering department.
 - (3) Exception. For pools, the survey shall be submitted to and approved by the county planning and zoning department and engineering department after excavation and the placement of forms and reinforcing steel, but prior to the placement of any concrete, shotcrete or gunite. For pre-manufactured pools, the survey shall be submitted to and approved by the county planning and zoning department and engineering department after excavation, but prior to the placement of the pool shell.
 - (i) *Special inspections.* Special inspections shall be required in accordance with the International Building Code.
 - (j) *Final inspection.* The final inspection shall be made after all work required by the building permit is completed.

(Code 1992, § 5-803; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2094. Inspection agencies.

The code official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

(Code 1992, § 5-804; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2095. Inspection requests.

It shall be the duty of the permit holder of the building permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work that are required by the existing building code.

(Code 1992, § 5-805; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2096. Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or his agent wherein the same fails to comply with the existing building code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

(Code 1992, § 5-806; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2097. Work covered without inspection approval: investigation required.

Whenever any work for which a permit is required has been covered without first obtaining the necessary inspection approval, a special investigation shall be made before subsequent inspections are approved. The work shall be uncovered to allow an inspection.

(Code 1992, § 5-807; Ord. No. 2006-16, § 10, 12-14-2006; Ord. No. 2019-08, § 53, 11-14-2019)

Secs. 7-2098—7-2127. Reserved.

DIVISION 6. CERTIFICATE OF OCCUPANCY

Sec. 7-2128. Attended use and occupancy classification change.

No altered area of a building and no relocated building shall be used or occupied, and no change in the existing occupancy classification of a building or portion thereof shall be made until the code official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the existing building code or of other ordinances of the jurisdiction.

(Code 1992, § 5-811; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2129. Certificate issued.

After the code official inspects the building or structure and finds no violations of the provisions of the existing building code or other laws that are enforced by the department of building safety, the code official shall issue a certificate of occupancy which shall contain the following:

- (1) The building permit number.
- (2) The address of the structure.
- (3) The name and address of the owner.
- (4) A description of that portion of the structure for which the certificate is issued.
- (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of the existing building code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (6) The name of the code official.
- (7) The edition of the code under which the permit was issued.
- (8) The use and occupancy, in accordance with the provisions of the International Building Code.
- (9) The type of construction as defined in the International Building Code.
- (10) The design occupant load and any impact the alteration has on the design occupant load of the area not within the scope of the work.
- (11) If an automatic sprinkler system is provided and whether the sprinkler system is required.
- (12) Any special stipulations and conditions of the building permit.

(Code 1992, § 5-812; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2130. Temporary certificate of occupancy prohibited.

The board of commissioners finds that certain nonresidential structures may be of such a size that requiring 100 percent completion of the structures can impact the timely legitimate and safe use of a substantial part of the structures. Components of this type of structures could be safe for persons to use, work in, or visit so long as certain minimum standards are met. The minimum standards within this chapter have been developed in recognition of the need to facilitate the early use of certain structures where requiring 100 percent of project completion could impact the timely legitimate and safe use of the structures based upon its size.

(Code 1992, § 5-813; Ord. No. 2006-16, § 10, 12-14-2006; Ord. No. 2014-01, § 4(5-813), 1-15-2014)

Sec. 7-2131. Temporary certificate of occupancy.

The building official is authorized to issue a temporary certificate of occupancy for nonresidential structures when all conditions for such issuance have been satisfied. The following criteria are minimum standards which must be met prior to any structure being eligible for a temporary certificate of occupancy:

- (1) The development shall be an approved nonresidential use being constructed within a nonresidential zoning district.
- (2) The development shall be a minimum of 50 acres.

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- (3) The building shall total a minimum of 25,000 square feet.
 - (4) All fees and every other charge due the county for the structure shall be current and paid in full.
 - (5) The area of the structure for which a temporary certificate of occupancy is being sought comprises at least 75 percent of the structure.
 - (6) Every part of a structure for which a temporary certificate of occupancy is being requested shall meet all minimum standard codes (building, fire, etc.) applicable to all nonresidential structures in the county. Separation of the area specified by the temporary certificate of occupancy from any area of ongoing construction will be required. Fire marshal release shall also be required. The building official shall identify the limits of the occupied area.

(Ord. No. 2014-01, § 6(5-814), 1-15-2014)

Sec. 7-2132. Request for temporary certificate of occupancy.

The owner/licensed contractor, to which a nonresidential Building Permit was issued, must submit in writing a request for issuance of a temporary certificate of occupancy. This request shall include justification of the proposed need, construction plans identifying the requested area, and signed agreement holding the county harmless in the event of any claims that may arise during the period that the temporary certificate is in effect.

(Ord. No. 2014-01, § 6(5-815), 1-15-2014)

Sec. 7-2133. Time limit for temporary certificate of occupancy.

The duration of the temporary certificate of occupancy shall not exceed 45 days.

(Ord. No. 2014-01, § 6(5-816), 1-15-2014)

Sec. 7-2134. Expiration of temporary certificate of occupancy.

The temporary certificate of occupancy shall expire on the date provided thereon or on the date of issuance of a certificate of occupancy, whichever is first to occur. However, if the temporary certificate of occupancy expires prior to the issuance of a certificate of occupancy, the property owner acknowledges that the property owner is subject to a daily fine for every day after the expiration of the temporary certificate of occupancy until the issuance of a certificate of occupancy.

(Ord. No. 2014-01, § 6(5-817), 1-15-2014)

Sec. 7-2135. Revocation.

The code official is authorized to, in writing, suspend or revoke a certificate of occupancy issued under the provisions of the existing building code wherever the certificate is issued in error, or 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 the existing building code.

(Code 1992, § 5-814; Ord. No. 2006-16, § 10, 12-14-2006; Ord. No. 2014-01, § 5, 1-15-2014)

Secs. 7-2136—7-2150. Reserved.

DIVISION 7. SERVICE UTILITIES

Sec. 7-2151. Connection of service utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the existing building code for which a permit is required, until approved by the code official.

(Code 1992, § 5-821; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2152. Temporary connection.

The code official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

(Code 1992, § 5-822; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2153. Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of the utility service to the building, structure or system regulate by the existing building code and the referenced codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

(Code 1992, § 5-823; Ord. No. 2006-16, § 10, 12-14-2006)

Secs. 7-2154—7-2179. Reserved.

DIVISION 8. VIOLATIONS

Sec. 7-2180. Unlawful acts.

It shall be unlawful for any person, firm or corporation to repair, alter, extend, add, move, remove, demolish or change occupancy of any building or equipment regulated by the existing building code, or cause same to be done, in conflict with or in violation of any of the provisions of the existing building code.

(Code 1992, § 5-831; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2181. Notice of violation.

The code official is authorized to serve a notice of violation or order on the person responsible for the repair, alteration, extension, addition, moving, removal, demolition or change in the occupancy of a building or structure

in violation of the provisions of the existing building code, or in violation of a permit or certificate issued under the provisions of the existing building code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(Code 1992, § 5-823; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2182. Prosecution of violation.

If the notice of violation is not complied with in the time prescribed by such notice, the code official is authorized to request the solicitor general of the county state court to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the existing building code or of the order or direction made pursuant thereto.

(Code 1992, § 5-833; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2183. Violation penalties.

Any person who violates a provision of the existing building code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of the existing building code, shall be subject to penalties as prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Code 1992, § 5-834; Ord. No. 2006-16, § 10, 12-14-2006)

Secs. 7-2184—7-2209. Reserved.

DIVISION 9. STOP WORK ORDER

Sec. 7-2210. Authority.

Whenever the code official finds any work regulated by the existing building code being performed in a manner either contrary to the provisions of the existing building code, other pertinent laws or ordinances implemented through the enforcement of the existing building code, or dangerous or unsafe, the code official is authorized to issue a stop work order.

(Code 1992, § 5-841; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2211. Issuance.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(Code 1992, § 5-842; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2212. Unlawful continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Code 1992, § 5-843; Ord. No. 2006-16, § 10, 12-14-2006)

Secs. 7-2213—7-2237. Reserved.

DIVISION 10. EMERGENCY MEASURES

Sec. 7-2238. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "DANGER!—NO ENTRY." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

(Code 1992, § 5-851; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2239. Temporary safeguards.

Notwithstanding other provisions of the existing building code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(Code 1992, § 5-852; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2240. Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(Code 1992, § 5-853; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2241. Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(Code 1992, § 5-854; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2242. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(Code 1992, § 5-855; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2243. Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the board of commissioners of the county, be afforded a hearing as described in the existing building code.

(Code 1992, § 5-856; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2244. Emergency declaration.

In the event of a national, state, or local emergency declaration, the code official may waive or augment the provisions of this chapter as needed during the periods of emergency to protect public safety.

(Code 1992, § 5-857; Ord. No. 2006-16, § 10, 12-14-2006)

Sec. 7-2245. Disaster assessment.

- (a) *Notification.* Upon notification from emergency first responder personnel, law enforcement personnel or others of a disaster to a building or structure, the code official shall make or cause to be made any necessary visual, nondestructive inspections to determine:
 - (1) Immediate hazards that jeopardize public safety, health or general welfare;
 - (2) Extent of damage;
 - (3) Necessity to evacuate or condemn the building or structure;
 - (4) Necessity to disconnect or authorize reestablishment of utilities;
 - (5) What permits will be required; and
 - (6) Whether plans are necessary.
- (b) *Posting of placards.* Placards shall be clearly posted at each entrance of the building or structure immediately upon completion of a disaster assessment as follows:
 - (1) Inspected—No Restriction on Lawful Use or Occupancy (Green);
 - (2) Danger!—Limited Entry (Yellow); or
 - (3) Danger!—No Entry (Red).

It shall be unlawful to remove placards posted by the code official.

(Code 1992, § 5-858; Ord. No. 2006-16, § 10, 12-14-2006; Ord. No. 2019-08, § 54, 11-14-2019)

Secs. 7-2246—7-2273. Reserved.

ARTICLE XI. ABATEMENT OF NUISANCES²

Sec. 7-2274. Findings of the existence of nuisances.

- (a) The town council finds and declares that within the town 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; or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements; or general nuisance law, and which constitute a hazard to the health, safety, and welfare of the people of the county and the state; and that a public necessity exists for the repair, closing, or demolitions of such dwellings, buildings, or structures.
- (b) It is further found and declared that in the town 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 county; 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 town council finds that there exists in the county 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 structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the county; 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 town council that this article shall and does comply with O.C.G.A. § 4-2-9(a) as findings that conditions as set out in O.C.G.A. § 41-2-7 exist within the county.

(Code 1992, § 5-901; Ord. No. 2002-09, § 1, 9-26-2002; Ord. No. 2006-16, § 11, 12-14-2006)

Sec. 7-2275. Continued use of other laws and ordinances.

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

(Code 1992, § 5-902; Ord. No. 2002-10, § 3, 9-26-2002; Ord. No. 2006-16, § 11, 12-14-2006)

²State law reference(s)—Nuisance abatement, O.C.G.A. § 41-2-1 et seq.

Sec. 7-2276. 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:

Applicable codes means:

- (1) Any optional housing or abatement standard provided in O.C.G.A. title 8, ch. 2 (O.C.G.A. § 8-2-1 et seq.) as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;
- (2) Any fire or life safety code as provided for in O.C.G.A. title 25, ch. 2 (O.C.G.A. § 25-2-1 et seq.); and
- (3) The minimum standard codes adopted in section 7-22, provided that such building or minimum standard code 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.

Closing means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

Drug crime means an act which is a violation of the Georgia Controlled Substances Act. (O.C.G.A. § 16-13-20 et seq.).

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 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.

Governing authority means the board of commissioners.

Interested parties means:

- (1) Owner;
- (2) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the state bar;
- (3) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
- (4) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the county courthouse or by the clerk of court. Interested parties shall not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded which interest shall remain unaffected;
- (5) Persons in possession of said property and premises;

Owner means the holder of the title in fee simple and every mortgagee of record.

Public authority means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department of the county or the state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures.

Public officer means the officer or officers who are authorized by O.C.G.A. §§ 41-2-7 through 41-2-17, and by this article to exercise the powers prescribed by this article or any agent of such officer.

Repair means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the county 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.

(Code 1992, § 5-903; Ord. No. 2002-10, § 4, 9-26-2002; Ord. No. 2004-21, § 1, 10-6-2004; Ord. No. 2006-16, § 11, 12-14-2006)

State law reference(s)—Similar provisions, O.C.G.A. § 41-2-9.

Sec. 7-2277. Duties of owners; appointment of public officer; procedures for determining premises to be unsafe or unhealthful.

- (a) It is the duty of the owner of every dwelling, building, structure, or property within the county to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the county, 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.
- (b) The board of commissioners appoints or designates the director of the building department and his designees, hereinafter the "director," as public officers to exercise the powers prescribed by this article.
- (c) Whenever a request is filed with the director by a public authority or by at least five residents of the county charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use, and is 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 director shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the director'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 director 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 and the parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the director 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 at a date and time certain and at a place within the county. Such hearing shall be held not less than 15 days nor more than 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 fixed for hearing.
- (d) 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 of such determination and shall issue and cause to be served an order upon the owner and any parties in interest that have answered the complaint or appeared at the hearing:
 - (1) That 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, then

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- 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 drug crimes;
- (2) That 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, then 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; or
- (3) For purposes of this article, 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 for the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a 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 state appraiser classification as provided in (O.C.G.A. § 43-39A-1 et seq.), 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 county.
- (e) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the director may cause such dwelling, building, or structure, to be repaired, altered, improved, to be vacated and closed, or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The director shall cause to be posted on the main entrance of the dwelling, building, 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."
- (f) If the director has the structure demolished, reasonable effort shall be made to salvage 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 director and the board of commissioners 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.
- (g) 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 costs were incurred.
- (1) The lien provided for in this subsection (g) 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 of the county and shall relate back to the date of the filing of the lis pendens notice. The clerk of superior court shall record and index such certified copy of the order in the deed records of the 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.

- (2) Upon final determination of costs, fees, and expenses incurred in accordance with this article, the director shall transmit to the tax commissioner a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The director's statement shall be transmitted within 90 days of completion of repairs, demolition, or closure. It shall be the duty of the county Tax Commissioner to collect the amount of the lien using all methods available for collecting ad valorem taxes, including specifically O.C.G.A. title 48, ch. 4 (O.C.G.A. § 48-4-1 et seq.); provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. The tax commissioner shall remit the amount collected to the governing authority.
- (3) Enforcements of liens pursuant to this article shall be initiated at any time following receipt by the tax commissioner of the final determination of costs in accordance with this article. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. Enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this article.
- (4) The redemption amount in any enforcement proceeding pursuant to this article shall be the full amount of the costs as finally determined in accordance with this article together with interest, penalties, and costs incurred by the board of commissioners and/or tax commissioner in the enforcement of such lien. Redemption of the property from the lien may be in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81.
- (5) The board of commissioners may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the county agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
- (6) 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. § 5-3-29.
- (7) The director 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 a court of competent jurisdiction prior to issuing a complaint in rem as provided in this article.
- (8) Nothing in this article shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Code 1992, § 5-904; Ord. No. 2002-10, § 5, 9-26-2002; Ord. No. 2004-21, § 3, 10-6-2004; Ord. No. 2006-16, § 11, 12-14-2006)

Sec. 7-2278. Determination by director that under existing ordinances dwellings, buildings, or structures are vacant; sample conditions of nuisances.

The director 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 the director finds that conditions exist in such dwelling, building, or structure which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwellings, buildings or

structures; or of other residents of the county. 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.

The director 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 by report of a law enforcement agency and evidence of drug crimes being committed.

(Code 1992, § 5-905; Ord. No. 2002-10, § 6, 9-26-2002; Ord. No. 2006-16, § 11, 12-14-2006)

Sec. 7-2279. Powers of director.

The director shall have the following powers:

- (1) To investigate the dwelling conditions in the county 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 any premises for the purpose of making examinations; provided, however, that such entries shall be made in such a 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 the director deems necessary to carry out the purposes of this article; and
- (5) To delegate any of these functions and powers under this article to such officers and agents as the director may designate.

(Code 1992, § 5-906; Ord. No. 2002-10, § 7, 9-26-2002; Ord. No. 2006-16, § 11, 12-14-2006)

Sec. 7-2280. Service of complaints.

- (a) Complaints issued by the director pursuant to this article shall be served in the following manner. At least 14 days prior to the date of the hearing the director 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 filing of the complaint, and at least 14 days prior to the date of the hearing.

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- (b) For interested parties 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 the county once a week for two consecutive weeks prior to the hearing.
 - (c) A notice of lis pendens shall be filed in the office of the clerk of superior court of the county 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.
 - (d) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this article on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

(Code 1992, § 5-907; Ord. No. 2002-10, § 8, 9-26-2002; Ord. No. 2004-21, § 3, 10-6-2004; Ord. No. 2006-16, § 11, 12-14-2006)

State law reference(s)—Similar provisions, O.C.G.A. § 41-2-12.

Secs. 7-2281—7-2298. Reserved.

ARTICLE XII. REGISTRATION OF VACANT OR FORECLOSED REAL PROPERTY

Sec. 7-2299. 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:

Agent means an individual with a place of business in the state at which he is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner.

Foreclosed real property means improved or unimproved real property for which a land disturbance permit has been issued by the county and is held pursuant to a judicial or nonjudicial foreclosure of a mortgage, deed of trust, security deed, deed to secure debt, 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.

Street address means the street or route address. Such term shall not mean or include a post office box.

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.

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.

(Ord. No. 2013-12, § 1, 9-26-2013)

Sec. 7-2300. Registration.

- (a) Pursuant to O.C.G.A. § 44-14-14, there is hereby created in the county a registry of vacant or foreclosed real properties located within the county, with the exception of territory located within the boundaries of any

municipal corporation unless otherwise allowed by intergovernmental agreement between the county and said municipal corporation.

- (b) All vacant or foreclosed real property located within the area described in subsection (a) of this section must be registered as provided in this section and article, except as provided in section 7-2301.
- (c) Each registrant shall file with the county administrator or his designee, a registration form setting out the following information:
 - (1) The real property owner's name, street address, mailing address, phone number, facsimile number, and e-mail address;
 - (2) If applicable, the agent's name, street address, mailing address, phone number, facsimile number, and e-mail address;
 - (3) The real property's street address and tax parcel number;
 - (4) The transfer date of the instrument conveying the real property to the owner; and
 - (5) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.

(Ord. No. 2013-12, § 1, 9-26-2013)

Sec. 7-2301. Transfers.

- (a) When any real property is acquired by foreclosure under power of sale pursuant to O.C.G.A. § 44-14-160, or acquired pursuant to a deed in lieu of foreclosure, the transferee shall not be required to register such foreclosed real property pursuant to this article or pay any of the administrative fees provided for in section 7-2304 where:
 - (1) The deed under power of sale or deed in lieu of foreclosure contains the information specified in section 7-2300(c)(1) through (c)(5);
 - (2) The deed is filed with the clerk of superior court within 60 days of the transfer; and
 - (3) Proof of the following is provided to the county administrator, or his designee:
 - a. A filing date stamp or a receipt showing payment of the applicable filing fees; and
 - b. The entire deed under power of sale or entire deed in lieu of foreclosure.
- (b) Registration of vacant or foreclosed real property is not required 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 O.C.G.A. § 44-14-160, or acquired pursuant to a deed in lieu of foreclosure.

Once the aforementioned 90-day period has expired, registration of such vacant or foreclosed property must be made within 30 days of said expiration.

(Ord. No. 2013-12, § 1, 9-26-2013)

Sec. 7-2302. Updating of information.

The owner of vacant or foreclosed real property registered with the county shall update the information specified in section 7-2300(c)(1) through (c)(5) 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.

(Ord. No. 2013-12, § 1, 9-26-2013)

Sec. 7-2303. Removal from registry.

The owner of vacant or foreclosed real property registered with the county, or the agent of such owner, may apply to remove such vacant or foreclosed real property from the registry at such time as the real property no longer constitutes vacant or foreclosed real property. Such application shall be considered by the county administrator or his designee, whose determination shall be issued within 30 days of the receipt of said application. If no such determination is made within 30 days, the application shall be deemed granted.

(Ord. No. 2013-12, § 1, 9-26-2013)

Sec. 7-2304. Administrative fees.

Upon the submission of the registration required in section 7-2300, the owner of such vacant or foreclosed real property, or the agent of such owner, shall pay to the county an administrative fee which shall be established by the board of commissioners and which shall not exceed \$100.00 per registration. Said fee shall reasonably approximate the cost to the county of the establishment, maintenance, operation, and administration of the registry.

(Ord. No. 2013-12, § 1, 9-26-2013)

Sec. 7-2305. Violations.

Failure to register vacant or foreclosed real property or failure to update the information specified in section 7-2300(c)(1) through (c)(5) shall be punishable by a fine of up to \$1,000.00.

(Ord. No. 2013-12, § 1, 9-26-2013)

Sec. 7-2306. Appeals.

Any vacant or foreclosed real property owner affected by this article may challenge any determination made by the county or its officials pursuant to this article by appealing said determination to the magistrate court of the county. Such appeal shall be filed with the court no later than 30 days after receipt of said determination.

(Ord. No. 2013-12, § 1, 9-26-2013)

Secs. 7-2307—7-2350. Reserved.

ARTICLE XIII. RESERVED

Secs. 7-2351—7-2399. Reserved.

ARTICLE XIV. RESERVED

Secs. 7-2400—7-2449. Reserved.

ARTICLE XV. ABANDONED MOBILE HOMES AND MANUFACTURED HOMES

Sec. 7-2450. Purpose and intent.

The board of commissioners finds that abandoned mobile homes are a nuisance that cause blight and depress property values. This article is intended to provide the authority to appoint an agent to determine the condition of mobile homes in order for landowners to remove or restore abandoned mobile homes left on their property. It is the further purpose of this article to provide landowners with the guidance necessary to efficiently and properly identify and dispose of abandoned mobile homes in this County while protecting the rights of any owner, lienholder, or other interested parties by performing a due diligence search, notification, and hearing process.

(Ord. No. 2021-19 , § 2, 10-14-2021)

Sec. 7-2451. Definitions.

As used in this article, the term:

- (1) *Abandoned mobile home* means a mobile home that has been left vacant by all tenants for at least 90 days without notice to the landowner and when there is evidence of one or more of the following:
 - a. A tenant's failure to pay rent or fees for 90 days;
 - b. Removal of most or all personal belongings from such mobile home;
 - c. Cancellation of insurance for such mobile home;
 - d. Termination of utility services to such mobile home; or
 - e. A risk to public health, safety, welfare, or the environment due to such mobile home.
- (2) *Derelect* means an abandoned mobile home which is in need of extensive repair and is uninhabitable and unsafe due to the presence of one or more of the following conditions:
 - a. Inadequate provisions for ventilation, light, air, or sanitation; or
 - b. Damage caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe.
- (3) *Dispose* means to destroy, recycle, or repurpose for use not as living quarters.
- (4) *Intact* means an abandoned mobile home which is in livable condition under applicable state law and the building and health codes of the county.
- (5) *Landowner* means the owner of real property upon which a mobile home is located.

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- (6) *Local government agent* means a person appointed by the governing authority who is qualified to inspect an abandoned mobile home by demonstrating that he or she is qualified to determine if the abandoned mobile home is derelict or intact.
 - (7) *Manufactured home* means a new or used 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.
 - (8) *Mobile home* means a new or used 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 and built prior to June 15, 1976.
 - (9) *Responsible party* means any person with an ownership interest in an abandoned mobile home as evidenced by the last payor of record as identified by a search of deeds or instruments of title, and shall include any holder of a recorded lien or the holder of any type of secured interest in such abandoned mobile home or a local government with a claim for unpaid taxes.

(Ord. No. 2021-19 , § 3, 10-14-2021)

Sec. 7-2452. Designation of local agent.

The board of commissioners designates the director of the department of building safety as the local government agent, with said local government agent being hereby clothed with the authority found in this article to inspect abandoned mobile homes and manufactured homes for the purposes provided for within this article.

(Ord. No. 2021-19 , § 4, 10-14-2021)

Sec. 7-2453. Procedure to follow state law.

The process for inspecting abandoned mobile homes and abandoned manufactured homes is the process set out in state law at O.C.G.A. § 44-7-110 et seq. (the "Abandoned Mobile Home Act"). It is the intention of the board of commissioners that this article has been adopted to identify a local government agent as contemplated by the Abandoned Mobile Home Act. The local government agent so identified shall follow the process as provided in the Abandoned Mobile Home Act.

(Ord. No. 2021-19 , § 5, 10-14-2021)