November 19, 2002

O-111902 PERMIT ADMINISTRATIVE PROCEDURES CONTROL ORDINANCE

Zoning Director Tina Ayers addressed the board and stated this was the ordinance that was discussed at the work session prior to this meeting. She said the staff had amended this based on a DCA template and board reviewed and discussed. They have met with Home Builders Association regarding said ordinance as well.

**Motion:** To adopt Ordinance O-111902 with the following changes.
1. To except single and two family dwellings from the requirement that construction plans be kept on the work site.
2. To correct incorrect cross-reference in Section 4.3 #4 from 6.1 to 5.1.

Commissioner Ewing said he was going to vote for the ordinance, but he wanted to express his concern that he had specifically requested a copy of what staff was going to recommend and what the Home Builders was going to recommend and he never received it. He stated he hoped in the future when the board requested items from Planning and Zoning, the request would be honored.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two
**Second:** Commissioner J.C. Henderson, District Four
**Motion carried unanimously**

**STORM WATER MANAGEMENT CONTRACT**

Attorney Tommy Craig addressed the board regarding the Storm Water Management Plan. He said that federal law indicates that our community is now required to participate in Phase II Storm-Water regulations and we need to develop a Storm Water Management Plan. The first matter of business is that we have to issue a Notice of Intent indicating our position and request coverage under Georgia EPD General Permit for NPDES Phase II by March 10, 2003. An RFP was sent out in order to acquire a consultant.

(Attachment made part of these minutes explaining what consultant will do)
The committee that met and considered this consisted of Chairman Varner, Commissioner Dimsdale, John Middleton, Kevin Walter, John Knight and
NEWTON COUNTY
PERMIT ADMINISTRATIVE PROCEDURES CONTROL ORDINANCE

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Newton County as follows:

SECTION 1
PURPOSE AND SCOPE

1.1 Purpose. The purpose of this Ordinance is to provide for the administration and enforcement of the Georgia State Minimum Standard Codes for Construction as adopted and amended by the Georgia Department of Community Affairs. Hereinafter, the State Minimum Standard Codes for Construction shall be referred to as "the construction codes".

1.2 Code Remedial

1.2.1 General. These construction codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof — which are public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

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

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

1.3 Scope.

1.3.1 Applicability:

1.3.1 General. Where, in any specific case, different sections of this 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.
Building. The provisions of the Standard Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, except in one- and two-family dwellings.

Electrical. The provisions of the National Electrical Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Gas. The provisions of the Standard Gas Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of consumer’s gas piping, gas appliances and related accessories as covered in this Code.

These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one and two family dwellings.

Mechanical. The provisions of the Standards Mechanical Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems, except in one and two family dwellings.

Plumbing. The provisions of the Standard Plumbing Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and when connected to a water or sewerage system.

Fire Prevention. The provisions of the Standard Fire Prevention Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

Energy. The provisions of the CABO Model Energy Code, as adopted and amended by the Georgia Department of Community Affairs, shall regulated the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment that will enable the effective use of energy in new building construction.
CABO One And Two Family Dwelling. The provisions of the CABO Code for One- and Two-Family Dwellings, as adopted and amended by the Georgia Department of Community Affairs, 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 multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

1.3.2 Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal laws.

1.3.3 Application Of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

1.3.4 Referenced Codes And Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer’s instructions shall apply.

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

1.3.6 Partial Invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

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

1.3.7.1 Additions, Alterations Or Repairs. Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this 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.
SECTION 2
BUILDING DEPARTMENT

2.1. Creation Of Enforcement Agency. The building department is hereby created and the official in charge thereof shall be known as the building official.

2.2 Appointment. The building official shall be appointed by the chief appointing authority of the jurisdiction.

2.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

2.4 Restrictions On Employees. An officer or employee connected with the department, except one whose only connection is as a member of the board established by Section 11, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, unless he/she is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with his/her duties or conflict with the interests of the department.

SECTION 3
DUTIES AND POWERS OF THE BUILDING OFFICIAL

3.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

3.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

3.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

3.4 Inspections. The building official is authorized to make all of the required inspections, or the building official shall have the authority to accept reports of inspection by either a licensed engineer or a CABO certified inspector from an outside agency. 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 appointing authority.

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

3.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, 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 code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be 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.

3.7 Department Records. The building official shall keep official records of applications received, permits and certificates issues, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

3.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code 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 code 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 code.

3.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

3.9.1 Used materials and equipment. Used materials, equipment and devices shall not be reused unless approved by the building official.

3.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements or structural. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.
3.10.1 Areas prone to flooding. The building official shall not grant modifications to any provision related to areas prone to flooding without the granting of a variance to such provisions by the board of appeals.

3.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, 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 code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance based provisions of the International Code Council (ICC) codes in lieu of specific requirements of this code shall also be permitted as an alternate.

3.11.1 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, 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 code 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.

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

3.12.1 Change of Occupancy. If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the construction codes as required by the Building Official.

3.13 Special Historic Buildings. The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as Historic Buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts.
SECTION 4
PERMITS

4.1 Required. Any owner or 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 electrical, gas, mechanical or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work.

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

Building:

1. Fences not over 6 feet (1829mm) high.

2. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

4. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.

5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

6. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

7. Swings and other playground equipment accessory to a one or two family dwelling.

8. Window awnings supported by an exterior wall.

9. Any other construction, renovation, repair that is under $200 in value.
Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliances.

2. Portable ventilation appliances.

3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration systems containing 10 pounds (4-54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

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 this code.

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.
4.2.1 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.

4.2.2 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 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.

4.2.3 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.

4.3 Application for permit. 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 Section 5.1.

5. State the value 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.

4.3.1 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 this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

4.3.1.1 Substantially improved or substantially damaged existing buildings and structures. For applications for reconstruction, rehabilitation, addition, or other improvement of existing buildings or structures located in an area prone to flooding, 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 predamaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure, the finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage.

4.3.2 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 additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

4.4 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 this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this 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 this code or of any other ordinances of this jurisdiction.

4.5 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. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

4.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code.

4.6.1 Misrepresentation of Application. The Building Official may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
4.6.2 Violation of Code Provisions. The Building Official may revoke a permit upon
determination that the construction erection, alteration, repair, moving, demolition,
installation or replacement of the building, structure, electrical, gas, mechanical or
plumbing systems for which the permit was issued is in violation of, or not in conformity
with, the provisions of the construction codes.

4.7 Refusal to Issue Permit. If the application for a permit and the accompanying contract
documents describing the work do not conform to the requirements of the construction codes or
other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return
the contract documents to the applicant with his refusal to issue such permit. Such refusal shall,
when requested, be in writing and shall contain the reason for the refusal.

4.8 Placement of permit. The building permit or copy thereof shall be kept on the site of the
work until the completion of the project.

4.9 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 this
code is applicable, to comply with this code.

SECTION 5
CONSTRUCTION DOCUMENTS

5.1 Submittal documents. Construction documents, special inspection and structural
observation programs, and other data shall be submitted in two or more sets with each
application for a permit. The construction documents shall be prepared by a registered design
professional. The design professional shall be an architect or engineer legally registered under
the laws of this state regulating the practice of architecture or engineering and shall affix his/her
official seal to said drawings, specifications and accompanying data, for the following:

1. All Group A, E, and I occupancies.
2. Buildings and structures three stories or more high.
3. Buildings and structures 5000 sq. ft. (465 m^2) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant
that some specific state law exception permits its preparation by a person not so registered.

Where special conditions exist, the building official is authorized to require additional
construction documents to be prepared by a registered design professional.

Exceptions: 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 reviewing of construction
documents is not necessary to obtain compliance with this code. Construction documents
for single-family and two-family dwellings, regardless of size, shall not be required to be
prepared or certified by a registered design professional.
5.1.1 Information on construction documents. Construction documents shall be drawn 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 this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

5.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available at the request of the inspector.

5.1.3 Information for construction in areas prone to flooding. For buildings and structures in flood hazard areas construction documents shall include:

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; and

3. 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.

5.1.4 Structural and Fire Resistance Integrity. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.

5.1.5 Hazardous Occupancies. The Building Official may require the following:

5.1.5.1 General Site Plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

5.1.5.2 Building Floor Plan. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, locations of liquid tight rooms, and evacuation routes. Each
hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

5.2 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. A site plan shall not be required for single-family or two-family dwellings unless the necessity for a site plan is indicated on the final plat or the building official determines a site plan is necessary based on the existence of exceptional circumstances, for example, a significant change in topographical conditions.

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

5.3.1 Approval of Construction Documents. When the building official issues a permit, the construction documents shall be approved in writing or by stamp. 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 or her authorized representative.

5.3.2 Previous Approvals. This 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 this code and has not been abandoned.

5.4 Amended Construction Documents. Work shall be installed in accordance with the reviewed construction documents, if required to be submitted, 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.

5.5 Retention of Construction Documents. One set of approved construction documents, if required to be submitted, 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.

SECTION 6
TEMPORARY STRUCTURES AND USES

6.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.
6.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

6.3 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 7
FEES

7.1 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.

7.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

7.3 Building permit valuations. Building permit valuations 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 of the building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official.

7.4 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 building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

7.5 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing, etc. system before obtaining the necessary permits, shall be subject to a penalty of double the permit fee.

7.6 Refunds. The building official is authorized to establish a refund policy.

SECTION 8
INSPECTIONS

8.1 Types of inspections. For on-site 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 or her agent wherein the same fails to comply with this code.

8.1.1 General inspections. All inspections required by the Governing Authority.
8.1.2 Floodplain inspection. For construction permitted in areas prone to flooding, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of a certification, prepared by a registered professional engineer or land surveyor, of the elevation of the lowest floor, including basement.

8.1.3 Final inspection. Final inspection shall be made after the permitted work is complete and prior to issuance of certificate of occupancy.

8.2 Inspection agencies. The building official is authorized to accept reports from licensed engineers or CABO certified inspectors, provided such satisfy the requirements as to qualifications and reliability.

8.3 Inspection requests. It shall be the duty of the person doing the work authorized by a permit 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 this code to provide access to and means for inspection of such work.

8.4 Approval required. Work shall not be done beyond the point indicated in such 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 this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

SECTION 9
CERTIFICATE OF OCCUPANCY

9.1 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 this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

9.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in Sections 3405 and 3406 of the International Building Code.

9.3 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this 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 this code.
6. The name of the building official or designee.
7. Any special stipulations and conditions of the building permit.

9.4 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

9.5 Revocation. The building official shall, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this 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 this code.

SECTION 10
SERVICE UTILITIES

10.1 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 this code for which a permit is required, until approved by the building official.

10.2 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.

10.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 1.3 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 10.1 or 10.2. 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.

SECTION 11
BOARD OF APPEALS

11.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure.

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

11.2.1 Determination of substantial improvement in areas prone to flooding. When the building official provides a finding required in Section 4.3.1.1, the board of appeals shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the building official and which are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure.

11.2.2 Criteria for issuance of a variance for areas prone to flooding. A variance shall only be issued upon:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuring or topography of the site render the elevation standards inappropriate.

2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

11.3 Qualifications. The Board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

11.3.1 The Board shall consist of at least 4 (including the building official) members. In addition to the regular members, there should be two alternate members who shall be members at large from the building industry. A Board member shall not act in a case in which he/she has a personal or financial interest.

11.3.2 The terms of office of the Board member shall be staggered so no more than 1/3 of the Board is appointed or replaced in any 12 month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the Board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

11.4 Quorum and Voting. A simple majority of the Board shall constitute a quorum. In varying any provision of the Construction codes, the affirmative votes of the majority present shall be required. In modifying a decision of the Building Official, not less than two affirmative votes shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

11.5 Secretary of the Board. The Building Official shall act as Secretary of the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

11.6 Administration. The building official shall take immediate action in accordance with the decision of the board.
SECTION 12
VIOLATIONS

12.1 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 this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

12.2 Notice of violation. 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 this 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 this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

12.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction 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 this code or of the order or direction made pursuant thereto.

12.4 Violation penalties. Any person who violates a provision of this 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 this code, shall be subject to penalties as prescribed by law.

SECTION 13
STOP WORK ORDER

13.1 Notice to owner. Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this 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.

13.2 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.
SECTION 14
EFFECTIVELY AND VALIDITY

14.1 Effectively. This ordinance shall become effective on the **10** day of November, 2002.

14.2 Validity. If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not effect the remaining portions of this ordinance.

SO ORDAINED, this **19** day of November, 2002.

NEWTON COUNTY BOARD OF COMMISSIONERS

By:  
[Signature]
Aaron Varner, Chairman

Attest:  
[Signature]
Jackie Smith, Clerk