

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING AGENDA

March 19, 2018

6:00 p.m.

Stonecrest City Hall

3120 Stonecrest Blvd.

Stonecrest, Georgia 30038

- I. CALL TO ORDER:** Mayor Jason Lary
- II. ROLL CALL:** Brenda B. James, Interim City Clerk
- III. INVOCATION:**
- IV. PLEDGE OF ALLEGIANCE:**
- V. PRESENTATION:**
 - A. Ms. Patricia Willis of 6 Degrees of Synergy, Inc.
 - B. Recognition of Mr. Joe Coleman and CS Truck and Trailer Repair Services
- VI. PUBLIC COMMENTS:**
- VII. MINUTES:** Approval of Minutes of the Special Called Meeting of February 7, 2018 and the Regular City Council Meeting of February 19, 2018.
- VIII. ADOPTION OF THE CITY COUNCIL AGENDA:**
- IX. AGENDA ITEMS:**
 - 1. Resolution to Activate the Stonecrest Development Authority and Appoint the Board of Directors
 - 2. Resolution Approving the Engagement of Butler Snow LLP as Special Counsel for the General Obligation Bonds

3. Resolution to Approve Amendment No.1 to the Professional Services Agreement for Municipal Government Services
4. Resolution to Establish Administrative Court Fees for the Stonecrest Municipal Court
5. Ordinance for Stonecrest Budget Amendment 2018-001
6. Ordinance for Amendment to Pouring Hours (Incorporating Dekalb's recent changes)
7. Ordinance of the City of Stonecrest regarding SLUP 17-003
8. Ordinance of the City of Stonecrest regarding SLUP 17-004
9. Ordinance Adopting Chapter 7 Building Ordinance

X. CITY MANAGER COMMENTS:

XI. CITY ATTORNEY COMMENTS:

XII. MAYOR AND COUNCIL COMMENTS:

XIII. ADJOURNMENT:

XIV. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING: ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

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Council Member Rob Turner- District 2

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Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

February 19, 2018

6:00 p.m.

Stonecrest City Hall

3120 Stonecrest Blvd.

Stonecrest, Georgia 30038

- I. **CALL TO ORDER:** Mayor Jason Lary at 6:00 p.m.
- II. **ROLL CALL:** All members were present.
- III. **INVOCATION:** Council Member Rob Turner
- IV. **PLEDGE OF ALLEGIANCE:**
- V. **PRESENTATION:** Mayor Jason Lary gave a presentation in honor of Black History Month. Mayor Jason Lary presented commemorative plaques to each of the Council Members.
- VI. **PUBLIC COMMENTS:**

Khari Lewis shared information pertaining to the Chinese Government offering fully paid scholarships to students having a 3.0 G.P.A. in high school, under 25 years of age with passport. April 1st is deadline.

Dave Marcus inquired about which committees the Mayor shut down, the Economic Development Plan for the city, update on Amazon and contract with Grice Consulting.

Lisa Wright commended the Mayor's presentation for Black History Month and spoke on the city financial statements, budget and road at New Birth Church.

Faye Coffield stated that Khari Lewis's assessment of China was correct and spoke on China's generosity, concerns of financial backing for the Atlanta Sports Center and the need for better restaurants.

Louise E. Alexander expressed concern about Council Member Diane Adoma removal from the position of Mayor Pro Temp and the new road ending at New Birth.

VII. ONE ON ONE WITH THE MAYOR

Mayor Jason Lary delayed this item until the next meeting.

VIII. MINUTES: Approval of Minutes of the Regular City Council Meeting January 16, 2018. Council Member Clanton stated that one of the vote counts was entered as 3-3 when it should have been 4-2. This vote regarding a reimbursement to Council Member Adoma for Leadership DeKalb. Council Member George Turner made a motion to approve with the noted revision. Council Member Rob Turner provided the second. **The motion carried unanimously.**

IX. COMMITTEE ASSIGNMENTS:

Mayor Jason Lary reconstituted several committees. The following committees and their members are as follows:

Arabia Mountain Overlay Steering Committee

Mayor Pro Tem, George Turner, District 4, Co-Chair

Ms. Mera Cardenas, Executive Director, Arabia Mountain Heritage Area Alliance, Inc.
Co-Chair

Council Member Diane Adoma, District 5

Council Member Jimmy Clanton, District 1

Mr. Michael Harris, City Manager

Ms. Nicole Dozier, Community Development Director

Mr. Kelly Jordan, Arabia Mountain Heritage Area Alliance, Inc.

Mr. Eric Hubbard, District Outreach Director, Rep. Hank Johnson

Ms. Jetha Wagner, Vice President Avila Development, LLC

One representative from each of the following:

Stonecrest Business Alliance Incorporated.

Parks of Stonecrest Community Civic Association (PSCCA), Incorporated

Klondike Area Civic Association, Inc.

Such other civic associations and businesses as may be designated by Council Member Jimmy Clanton or Council Member Diane Adoma, with the concurrence of the Mayor.

Steering Committee to negotiate IGA with East Metro DeKalb CID

Council Member Jimmy Clanton, Chair

Attorney Bernard Knight, Vice Chair

Members

Stacy Thibodeaux

Edwina Clanton

Matt Hampton

Sabrina Wright

Education Committee

Dr. Barbara Lee, Chairing the team from the Governor's Commission

Vickie Turner, Executive Liaison

Film Commission

Council Member Rob Turner

Finance

Council Member Jazzmin Cobble

Mayor's "City of Innovation" Committee

Mayor Lary and Assistant City Manager, Plez Joyner had an opportunity to visit Chicago. They had an opportunity to see how cities of the future are combining residents, city staff, legislatures and Mayors together to communicate seamlessly across all technologies. This enables constituents to express their concerns and needs immediately. Mayor Lary gave an example of how this would work. Mayor Lary stated that he will lead this initiative.

Mayor Lary stated that he has a couple more committees he will present in March.

X. ADOPTION OF THE CITY COUNCIL AGENDA:

Michael Harris requested an amendment to the agenda for discussion on a zoning amendment to the Stonecrest overlay.

Council Member Rob Turner made a motion to approve. Council Member George Turner provided the second. **The motion carried unanimously.**

XI. CONSENT AGENDA: The following agenda items shall be considered on the consent agenda. (Before voting on the consent agenda items, the Chair will provide opportunity to add or delete items). Mayor Jason Lary asked the City Attorney to clarify what is meant by "Consent Agenda". Attorney Kurrie provided a full definition of the term "Consent Agenda".

A. Resolution in Support of Georgia Municipal Association Legislative 7.7.
Council Member George Turner made a motion to approve the Resolution in Support of Georgia Municipal Association Legislative 7.7 with Council Member Clanton providing the second. **The motion carried with Mayor Lary, Council Members Clanton, Cobble, George Turner and Rob Turner voting yes and Council Member Adoma voting no.**

B. Approval of Zoning Calendar.

Council Member George Turner made a motion to Approve the Zoning Calendar with Council Member Clanton providing the second. **The motion carried unanimously.**

XI. AGENDA ITEMS:

1. Engagement Letter for Professional Auditing (Mauldin and Jenkins)

Council Member Adoma stated that she'd like to see an audit beginning from the initiation of the City. Michael Harris stated that quarterly reports will be forthcoming.

Council Member Adoma made a motion to approve the Engagement Letter for Professional Auditing with Mauldin and Jenkins with Council Member George Turner providing the second. **The motion carried unanimously.**

2. Amendment to Pouring Hours (incorporating DeKalb's recent changes)

The Amendment was deferred pending more information and input from local businesses.

3. Chapter 7 of the Stonecrest Ordinance—First Read

First Read Only.

4. Planning Commission Items (Public Hearing)

A. Zoning Amendment/Special Land Use (SLUP 0002) Child Care

Spoke in Favor:

Mr. Jim Bow spoke in support of the child care center
Ms. Green, human service provider spoke in support
Felicia Parker spoke in support
Earnest spoke in support

Frieda spoke in support

Spoke Against:

Faye Coffield spoke in opposition
Dr. Barbara Lee spoke in opposition
Dr. Edwards spoke in opposition
Louise Alexander spoke in opposition
Dave Marcus spoke in opposition
Eloise Alexander spoke in opposition

Council Member Adoma expressed concerns if this type of home is not suited for the location. She said she had received emails and Attorney Kurrie requested she forward them to staff so that they can be included in the record.

Council Member George Turner stated this is not a good fit for the community and under Georgia law the facility would allow up to three individuals. He also said that the way it was presented to him the person who owns the facility would live in the facility. Council Member George Turner and Council Member Cobble made a motion to defer this item back to the Planning Commission. Council Member Clanton provided the second. **The motion carried unanimously.**

C. Zoning Amendment/Special Land Use (SLUP 17-0003) Popeye's

Council Member Clanton made a motion to open the public hearing with Council Member Adoma providing the second. **The motion carried unanimously.**

Mr. David C. Kirk representative for the owners RCG Ventures presented the information to the Mayor and Council.

Spoke in Favor:

None

Spoke Against:

Dr. Barbara Lee
Villicent Maxwell
Robert Foster
Mudiwa Mbele
Dave Marcus

Council Member Clanton made a motion to close the public hearing with Council Member Rob Turner providing the second. **The motion carried unanimously.**

Council Member Rob Turner made a motion to deny the Zoning Amendment/Special Land Use (SLUPP-17-003) Popeyes with Council Member Clanton providing the second for discussion. **The motion carried unanimously.**

D. Zoning Amendment/Special Land Use (SLUP 0004) Personal Care Home

Council Member Clanton made a motion to open the public hearing with Council Member Rob Turner providing the second. **The motion carried unanimously.**

The applicant and owner, Mr. Willie Jenkins provided information about the personal care home.

Spoke in Favor:

None

Spoke Against:

Waldo Bennet
Faye Coffield
Ben'neel Suhail

Council Member Adoma made a motion to close the public hearing with Council Member Clanton providing the second. **The motion carried unanimously.** Council Member Clanton made a motion to deny the Zoning Amendment/Special Land Use (SLUP 0004) with Council Member Adoma providing the second. **The motion carried unanimously.**

E. Amendment to the Stonecrest Overlay

Mayor Jason Lary made a motion to open the public hearing with Council Member Rob Turner providing the second. **The motion carried unanimously.**

Spoke in Favor:

None

Spoke Against:

Bernard Knight
Faye Coffield

Mera Cardenas

Council Member Adoma made a motion to close the public hearing with Council Member George Turner providing the second. **The motion carried unanimously.**

Mayor Jason Lary made a motion to table the amendment with Council Member Adoma providing the second. **The motion carried unanimously.**

XII. CITY MANAGER COMMENTS: Mr. Harris stated that going forward the quarterly reports will be available. Mr. Harris provided copies of the fourth quarter report of 2017.

XIII. CITY ATTORNEY COMMENTS: Attorney Kurrie touched on three topics. 1) Economic Development; 2) SPLOST; 3) Ethics Complaint filed.

XIV. MAYOR AND COUNCIL COMMENTS:

Council Member Adoma informed the Mayor and Council about the Opportunity Development Empowerment Zone where funding opportunities could be used to attract quality restaurants and businesses to the Stonecrest area. The deadline is March 31. She also spoke on technology she will use to allow for a wider audience to view the town hall meetings. The town hall meetings be streamed live started February 26th. For those who does not use social media technology can also see Council Member Adoma the following day at the Stonecrest Library.

Council Member George Turner stated that Salem Middle School's Mighty Lions have earned a spot to perform at Carnegie Hall on March 26th and asked for support from the community. He also said there will be a community meeting at Big Miller Grove Baptist Church on Thursday, February 22 at 7 p.m.

Council Member Clanton stated that District 1 has been holding meetings on the 2nd Saturday of every month at Fairview Baptist Church and all are welcome to come and participate.

Council Member Rob Turner stated there will be a town hall meeting at the Lou Walker Center at 6:30 on Thursday, February 22nd.

Council Member Cobble said since it is late, and Council has an Executive Session, her comments will be in her monthly newsletter.

XV. EXECUTIVE SESSION:

Council Member Rob Turner made a motion to adjourn into Executive Session for two potential legal matters with Council Member Clanton providing the second at 9:50pm. **The motion carried unanimously.**

XVI. ADJOURNMENT:

Council Member Cobble made a motion to adjourn the regular meeting with Council Member George Turner providing the second. **The motion carried unanimously.**

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING: ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

SPECIAL CALLED MEETING MINUTES

February 7, 2018

9:30 A.M.

Stonecrest City Hall
3120 Stonecrest Blvd.
Stonecrest, Georgia

I. CALL TO ORDER: Mayor Jason Lary

II. ROLL CALL: Council Members Adoma, George Turner and Clanton were present. Council Members Rob Turner and Cobble arrived after roll call.

III. AGENDA ITEMS:

1. Ratification of Proposal and Contract for Pavement Management System Analysis to Stantec.

City Manager, Michael Harris gave an overview as to how the ratification came about. Mayor Lary made a motion to approve the Ratification of Proposal and Contract for Pavement Management System Analysis to Stantec. Council Member George Turner provided the second.

Council Member Adoma said she has a signed agreement with Grice Consulting and why was a modification made and a contract with the new company of Stantec. City Attorney Kurrie explained the contract was not signed in August but in January 2018. Council Member Adoma said she would like to have the reading of the Charter about approvals and modifications of contracts regarding the City Manager entered the minutes as follows:

SECTION 3.04 (8), (9) City Manager; powers and duties enumerated

(8) Make and execute all lawful contracts on behalf of the city as to matters within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or

obligation requiring a budget amendment shall be valid and binding until after approval of the city council; (9) Sign all orders, checks and warrants for payment of money within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no such order, check, or warrant requiring a budget amendment shall be valid and binding until after approval of the city council.

Council Member Rob Turner questioned why a new contract was done with Stantec when there is a company here that can already do the work.

City Manager, Michael Harris said they were looking at it task by task and there was not a signed contract with Grice.

City Attorney said the Mayor and Council engaged Grice Consulting, but the scope of service did not include what was needed at that time and no contract was in place.

After much discussion the motion failed with Council Members Adoma, Rob Turner and Cobble voting no and Council Members George Turner, Jimmy Clanton and Mayor Lary voting yes.

2. Administration of Oath of Office of Building and Development Staff

Mayor Lary administrated the Oath of Office to the following staff:

Kerrie Caldwell
Monty Hill
Josh Reed

3. Second Read and Adoption of City Communication Policy

Emily M. Preston gave an overview of the Communication Policy.

Council Member Rob Turner made a motion to approve the Communication with Council member Clanton providing the second. **The motion passed unanimously.**

IV. EXECUTIVE SESSION: None

V. ADJOURNMENT: Council Member Clanton made a motion to adjourn the Special Called Meeting with Council Member Adoma providing the second. The motion carried unanimously.

**WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING
ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE**

DRAFT



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution of the City of Stonecrest Activating the Stonecrest Development Authority and Appointing the initial Board of Directors of the Stonecrest Development Authority

☐ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☒ **RESOLUTION** ☐ **OTHER**

Date Submitted: 03/6/18 **Work Session:** 03/07/18 **Council Meeting:** 03/19/18

SUBMITTED BY: City Attorney, Laura Cosgray

PURPOSE: This Resolution is to activate the Stonecrest Development Authority and have the Mayor to appoint and the City Council to confirm the members of the Stonecrest Development Authority Board of Directors.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Approve the Resolution

**A RESOLUTION OF THE CITY OF STONECREST, GEORGIA,
ACTIVATING THE STONECREST DEVELOPMENT AUTHORITY AND
APPOINTING THE INITIAL BOARD OF DIRECTORS OF THE STONECREST
DEVELOPMENT AUTHORITY**

WHEREAS, the City of Stonecrest was created by Senate Bill 208, passed in the Georgia General Assembly during the 2016 Session and subsequently confirmed by referendum; and

WHEREAS, Senate Bill 208 provided a charter for the City of Stonecrest (the "City Charter"); and

WHEREAS, in accordance with Ordinance 2017-11-01 of the City of Stonecrest, the mayor and City Council desire to activate the Stonecrest Development Authority; and

WHEREAS, Section 2.14(a) of the City Charter provides that all members of boards, commissions and authorities of the city shall be...appointed by the mayor subject to confirmation by the city council; and

WHEREAS, Section 2.14(b) of the City Charter provides that up to two (2) members of the city council, including the mayor, may be appointed by the mayor to serve as ex officio members of such boards, commissions, or authorities, without a vote, for a term expiring December 31 following the date of appointment; and

WHEREAS, the Mayor desires to appoint and the City Council desires to confirm the following initial members of the Stonecrest Development Authority Board of Directors subject to the terms of office as provided in Ordinance 2017-11-01 incorporated herein and the City Charter.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest, Georgia, as follows:

Section I: That the Stonecrest Development Authority is hereby activated.

Section II: That the initial seven (7) members of the Stonecrest Development Authority Board of Directors shall be as follows:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____ Ex officio
9. _____ Ex officio

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION 2018-_____

Section III: That the following initial members of the Stonecrest Development Authority Board of Directors shall serve an initial term of two (2) years:

1. _____
2. _____
3. _____
4. _____

Section IV: That the following initial members of the Stonecrest Development Authority Board of Directors shall serve an initial term of four (4) years:

1. _____
2. _____
3. _____

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED this the _____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution of the City of Stonecrest Approving the Engagement of Butler Snow LLP as Special Counsel

☐ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☒ **RESOLUTION** ☐ **OTHER**

Date Submitted: 03/6/18 **Work Session:** 03/07/18 **Council Meeting:** 03/19/18

SUBMITTED BY: City Attorney, Laura Cosgray

PURPOSE: This Resolution is to approve the engagement of Butler Snow LLP to serve as special counsel to the City related to the issuance of General Obligation Bonds.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Approve the Resolution and authorize the Mayor to execute the Butler Snow Engagement Letter on behalf of the City.

A RESOLUTION OF THE CITY OF STONECREST, GEORGIA,
APPROVING THE ENGAGEMENT OF BUTLER SNOW LLP AS SPECIAL COUNSEL

WHEREAS, Section 1.03(b)(6) of Article I of the Charter of the City of Stonecrest ("City Charter") provides that the City of Stonecrest ("City") is vested with the power to enter into contracts and agreements with other governmental entities and with private persons, firms and corporations; and

WHEREAS, Section 2.11 of the City Charter provides that the city council is vested with all the powers of government provided in Article I of the City Charter; and

WHEREAS, the city council desires to engage special counsel related to the issuance of general obligation bonds (the "Bonds"); and

WHEREAS, the city council desires to engage the firm of Butler Snow LLP to serve as special counsel to the City related to the issuance of the Bonds as detailed in that certain Butler Snow engagement letter dated December 29, 2017 (the "Butler Snow Engagement Letter"); and

WHEREAS, pursuant to Article III, Section 3.01(a)(5), the mayor has the power to execute all contracts, deeds, and other obligations of the City within a level of authorization as established by the city council; and

WHEREAS, the city council has determined that it is in the best interest of the City to authorize the mayor to execute the Butler Snow Engagement Letter on behalf of the City, in accordance with Article III, Section 3.01(a)(5).

THEREFORE, the mayor and councilmembers of the City of Stonecrest, Georgia, hereby resolve as follows:

1. That the engagement of Butler Snow LLP is hereby approved in accordance with the terms of the Butler Snow Engagement Letter; and
2. That the mayor is hereby authorized and directed to sign the Butler Snow Engagement Letter on behalf of the City.

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED this the _____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION 2018-_____

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Diane Adoma, Councilmember

Jazzmin Cobble, Councilmember

Jimmy Clanton, Councilmember

Rob Turner, Councilmember

George Turner, Councilmember

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Approve Amendment No. 1 to the Professional Services Agreement for Municipal Government Services

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☒ RESOLUTION	☒ OTHER

Date Submitted: 03/6/18 **Work Session:** 03/07/18 **Council Meeting:** 03/19/18

SUBMITTED BY: Emily E. Macheski-Preston

PURPOSE: This Resolution is to approve Amendment No. 1 to the Professional Services Agreement for Municipal Government Services

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Mayor and Council

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION NO.: 2018-_____

**A RESOLUTION TO APPROVE AN AMENDMENT TO THE CONTRACT TO PROVIDE MUNICIPAL
GOVERNMENT SERVICES**

WHEREAS, the Mayor and City Council are the governing authority of the City of Stonecrest, Georgia; and,

WHEREAS, during the preparation of the 2018 City Budget, the Mayor and Council approved several new positions to be added to the scope of the current Municipal Services contract with CH2M; and,

WHEREAS, a final determination of the increased scope was established until just prior to deadline to adopt the budget; and,

WHEREAS, due to the time constraint associated with the budget adoption, the actual cost of the proposed scope addition could only be estimated, with the understanding that the final costs would be provided by CH2M, once they were compiled; and,

NOW, THEREFORE BE IT RESOLVED

SECTION 1. by the Mayor and Council of the City of Stonecrest, Amendment No. 1 in the amount of \$693,568.00 is hereby approved by the Mayor and City Council for the purpose of providing Municipal Government Services,

Section 2. The Mayor and Council hereby approve the added scope of the Comprehensive Plan in the amount of \$140,000.

Section 3. Should the City desire to utilize the provision for CH2M to provide additional Construction Management Services, it will be provided at a rate of 2.0 multiple on Labor.

Section 4. This Resolution shall be effective immediately upon its adoption.

SO RESOLVED AND EFFECTIVE this _____ day of March, 2018

Approved:

Jason Lary, Sr., Mayor

Attest:

Brenda James, City Clerk

**AMENDMENT NO. 1 TO THE
PROFESSIONAL SERVICES AGREEMENT
FOR MUNICIPAL GOVERNMENT SERVICES**

This Amendment No. 1 ("Amendment") is made and entered into this ____ day of March, 2018, by and between the **CITY OF STONECREST, GEORGIA**, a municipal corporation of the State of Georgia (the "City"), and **CH2M HILL ENGINEERS, INC.**, a Delaware corporation authorized to do business in Georgia with its principal office located at 9191 S. Jamaica Street, Englewood, CO 80112 ("Contractor"); heretofore referred to jointly as the "Parties."

WHEREAS, the Parties entered into a Professional Services Agreement for Municipal Government Services, that commenced on June 15, 2017 (the "Agreement"); and

WHEREAS, Section 22.12 of the Agreement requires that any amendment to the Agreement, including any exhibits, must be in writing approved by both Parties; and

WHEREAS, the Parties desire to amend the Agreement as set forth below.

NOW THEREFORE, in consideration of the foregoing recitals, the sums hereinafter set forth and for other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. A new section in Exhibit A – Services, under Section "Administrative Services – C. Public Communications" is added to the Agreement:

"8. Establish procedures for the City to receive and process film permit applications. Coordinate with other State and Local agencies to create a database for film and tourism industry."
2. A new section in Exhibit A – Services, under Section "Administrative Services – A. Licenses and Revenue" is added to the Agreement:

"10. Coordinate with Mayor and City Manager on community events which may involve or impact the City. Provide support and guidance to Mayor and City Manager on community affairs issues."
3. Exhibit A- Services, under Section "Administrative Services – G. Administrative Support", item #2 is revised as follows:

"...during the City's business hours (expected to be 9:00 a.m. – 4:30 p.m. Monday through Friday, except for holidays)..."
4. Exhibit A – Services, Section L – Optional Services is hereby revised to delete the following from this section in its entirety

"1. Parks and Recreation" and

"5. Comprehensive Plan - Create the City's first Comprehensive Plan that meets or exceeds the minimum standards for local comprehensive planning of the Georgia Department of Community Affairs. The Plan will be developed using an extensive community input process which includes the seven required elements of the Comprehensive Plan that include Community Goals, Needs and Opportunities, Land Use, Transportation, Economic Development, Housing, and the Community Work Program."

5. A new Section M is added to Exhibit A- Services as set forth below:

"M. Parks and Recreation. Provide administrative oversight for the creation of a Parks and Recreation Capital Improvement Plan (CIP). Review and assess all city park facilities; research existing County programs and prepare recommendations for future City run recreation programs."

6. A new Section N is added to Exhibit A - Services as set forth below:

"N. Construction Management Services. For Services including construction management and unless otherwise specifically agreed, City shall enter into separate agreements with City Subcontractors for the construction of the capital project which are consistent with this Agreement and specify Consultant as City's representative. City shall timely acquire and pay for necessary approvals, easements, assessments, building permits and other charges of public agencies that may be required for the construction, use or occupancy of the permanent structures or for permanent changes in existing facilities with Consultant acting as the City's representative in preparing the applications and coordinating the application process. In addition to the Services set forth in Exhibit A, Consultant shall endeavor to (a) inform the City if it observes any errors, omissions, developments, or inconsistencies in information provided by the Parties that impacts the scope or timing of Services, or any defect in City Subcontractors work, provided that Consultant does not assume any City Subcontractors responsibilities or warrant their work in any way; (b) review City Subcontractors requests for changes in their work and prepare authorizations for City signature; (c) review City Subcontractors payment applications based upon Consultant's knowledge, information, and observations of the City Subcontractors' work; (d) assist City in developing a Project Safety Program ("PSP") and reviewing City Subcontractors safety plan(s) for consistency with PSP requirements; (e) notify the City of observed discrepancies between City Subcontractors practices and the PSP and take authorized action on behalf of the City, provided that City Subcontractors are solely responsible for coordinating the safety of their subcontractors and for initiating, maintaining, monitoring and supervising any activities required by the PSP; (f) assist the City in requiring that City Subcontractors provide a quality control plan consistent with City's quality goals and; (g) prepare and periodically update a schedule for Services and City Subcontractors work that includes time for City reviews, performance by others and reviews by authorities having jurisdiction over the project. The project schedule and/or Total Annual Fees shall be adjusted and Consultant shall not be responsible for any claims by City, City Subcontractors or other parties for any project time impacts to the extent not due to Consultant negligence."

7. A new Section O is added to Exhibit A – Services as set forth below:

“O”. Comprehensive Plan. Create the City’s first Comprehensive Plan that meets or exceeds the minimum standards for local comprehensive planning of the Georgia Department of Community Affairs. The Plan will be developed using an extensive community input process which includes the seven required elements of the Comprehensive Plan that include Community Goals, Needs and Opportunities, Land Use, Transportation, Economic Development, Housing, and the Community Work Program.”

8. A new Section 2.14 is added to the Agreement:

“2.14 Opinions of Cost, Financial Considerations, and Schedules. In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for the projects, Consultant has no control over cost or price of labor and materials; unknown or latent conditions of existing equipment or structures that may affect operation or maintenance costs; competitive bidding procedures and market conditions; time or quality of performance by operating personnel or third parties; and other economic and operational factors that may materially affect the ultimate project cost or schedule. Therefore, Consultant makes no warranty that City’s actual projects costs or schedule will not vary from the original estimated budget and Consultant warrants only that it will exercise the reasonable skill, care and diligence in the preparation of its professional opinion of those costs and management of the City budget for the projects”

9. Exhibit B- Compensation is amended to delete in its entirety the lump sum rate table for calendar years 2018 through 2022 and replace with the table set forth below:

Subject to annual adjustment formula per Section 8.3 (All fees in 2018 dollars):

Renewal Term 1 Base Compensation (January 1, 2018 – December 31, 2018)	\$2,997,923
Additional Scope Amendment 1 (January 1, 2018 – December 31, 2018)	\$693,568
Comprehensive Plan	\$140,000
Construction Management Services	2.0 Multiple on Labor

This Amendment No. 1 together with the Agreement constitute the entire agreement between the Parties and supersede all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be duly executed by their duly authorized officers as of the day and year set forth next to each signature.

CH2M HILL ENGINEERS, INC.

By: Jonathan Mantay
Title:

DATE

CITY OF STONECREST

By: Jason Lary, Sr.
Mayor

DATE

Approved as to form and legal
sufficiency subject to execution
by Coleman Talley LLP, City Attorney:

By: Thompson Kurrie, Jr.
Title: Partner

DATE



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Establish Administrative Court Fees for the Stonecrest Municipal Court

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☒ RESOLUTION ☐ OTHER

Date Submitted: 03/6/18 Work Session: 03/07/18 Council Meeting: 03/19/18

SUBMITTED BY: City Manager, Michael Harris

PURPOSE: This Resolution is to establish Administrative Court Fees for the Municipal Court.

HISTORY: Comparisons were done with other cities and the results are:

Sandy Springs	\$75.00
Stone Mountain	\$50.00
Forest Park	\$50.00
College Park	\$50.00
Roswell	\$45.00
Stockbridge	\$40.00

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: The recommendation for the Administrative Court Fees for the City of Stonecrest is \$45.00.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION NO.: 2018-_____

**A RESOLUTION TO ESTABLISH ADMINISTRATIVE COURT FEES FOR THE STONECREST
MUNICIPAL COURT**

WHEREAS, the Mayor and City Council are the governing authority of the City of Stonecrest, Georgia; and,

WHEREAS, the City intends to establish Municipal Court for the purpose of hearing and adjudicating cases based initially on Environmental code violations (Code Enforcement, Building & Development); and,

WHEREAS, administrative court fees must be established by the Council; and,

WHEREAS, staff has researched the administrative court fees for several other municipal courts to ensure that our fees are commensurate with other courts in the metro Atlanta area, and has determined that a fee of \$45.00 per case is a reasonable and appropriate fee.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest, that an Administrative Court Fee of \$45.00 per case, for all cases which are adjudicated by the Stonecrest Municipal Judge, which results in a fine, is hereby established.

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED AND EFFECTIVE this _____ day of March 2018

Approved:

Jason Lary, Sr., Mayor

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance for Stonecrest Budget Amendment No 2018-001

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 03/6/18 Work Session: 03/07/18 Council Meeting: 03/19/18

SUBMITTED BY: Michael Harris, City Manager

PURPOSE: This is an ordinance to amend the 2018 Stonecrest Budget. The First Read was on March 7, 2018

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Second Read and Adoption

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE NO.: 2018-_____

**AN ORDINANCE TO APPROVE AN AMENDMENT TO THE BUDGET FOR THE FISCAL YEAR 2018
FOR EACH FUND OF THE CITY PURSUANT TO SECTION 5.04 OF THE CITY CHARTER**

WHEREAS, the Mayor and City Council adopted the 2018 Budget on December 27, 2017, which incorporated all of the various funds of the City; and,

WHEREAS, during the preparation of the 2018 City Budget, the Mayor and Council approved several new positions to be added to the scope of the current Municipal Services contract with CH2M; and,

WHEREAS, at the time of budget adoption, the City did not yet have the final proposed contract from CH2M, reflecting the actual cost of the expanded scope of services; and,

WHEREAS, upon receipt of the proposed contract amendment from CH2M for providing Professional Municipal Services, the 2018 budget amended to reflect the enhanced scope of services; and,

WHEREAS, the Mayor and Council have reviewed the proposed budget; and,

WHEREAS, each of the funds, as amended, has a balanced budget, such that anticipated revenues equal or exceed proposed expenditures

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

SECTION 1. That the City of Stonecrest, Georgia hereby amends the Budget for Fiscal Year 2018, said budget amendment being described as Amendment No. 2018-001, attached hereto and incorporated as Exhibit A.

Section 2. That any increase or decrease in appropriations or revenue of any fund or for any department; the establishment of new capital projects; or the establishment of new grant projects other than those expectations provided for herein, shall require approval of the City Council; and

Section 3. That the City Manager and his/her designee may promulgate all necessary internal rules, regulations and policies to ensure that this Budget Amendment Ordinance is followed

Section 4. This Resolution shall be effective immediately upon its adoption.

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE NO.: 2018-____

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of same. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of same.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the same and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk

EXHIBIT A

STONECREST BUDGET Amendment No.: 2018-001

FY 2018 GENERAL FUND BUDGET SUMMARY

FY 2018 12 MONTHS (Jan. 1 - Dec. 31)	
Beginning Fund Balance	\$238,750.00
General Property Tax	\$2,240,000.00
Selective Sales & Use Tax	\$95,000.00
Business/Occupational Taxes	\$2,230,000.00
Delinquent Taxes	\$1,000.00
Business License	\$275,000.00
Building/Development Permits	\$1,000,000.00
General Government	\$7,500.00
Fines & Forfeitures	\$5,000.00
Interest Earned	\$0.00
Other Sources of Income	\$405,000.00
TOTAL GENERAL FUND REVENUES	\$6,497,250.00
City Council	\$280,500.00
City Manager	\$227,750.00
City Clerk	\$152,400.00
Public Works	\$177,250.00
Public Safety	\$51,000.00
Finance/Administration	\$664,700.00
Legal Services	\$470,000.00
Facilities and Buildings	\$329,000.00
Communications	\$398,000.00
IT/GIS	\$352,000.00
General Operations	\$371,000.00
Municipal Court	\$71,500.00
Parks	\$115,000.00
Community Development	\$1,609,000.00
Economic Development	\$427,000.00
Designated Reserve	\$801,150.00
TOTAL GENERAL FUND EXPENDITURES	\$6,497,250.00

FY2018 HOTEL/MOTEL FUND BALANCE SUMMARY

Taxes

Total Hotel/Motel Fund Expenditures

Economic Development

Total Hotel/Motel Fund Expenditures

FY2018 RENTAL CAR FUND BALANCE SUMMARY

Taxes

Total Rental Car Fund Revenues

Economic Development

Total Rental Car Fund Expenditures

TOTAL REVENUES ALL FUNDS

TOTAL EXPENDITURES ALL FUNDS

FY 2018
12 MONTHS**100 - General Fund Revenue Detail****Taxes**

General Property Tax

100-031-03110-31100	Ad Valorem Tax-Current Year
100-031-03110-31110	Public Utility Tax
100-031-03110-31200	Ad Valorem Tax-Prior Year
100-031-03110-31310	Motor Vehicle Tax
100-031-03110-31315	Title Ad Valorem Tax
100-031-03110-31320	Mobile Home Tax
100-031-03110-31325	Heavy Equipment Tax
100-031-03110-31340	Intangible Tax Revenue
100-031-03110-31350	Railroad Equipment Tax
100-031-03110-31360	Real Estate Transfer Tax

Franchise Fees

100-031-03110-31371	Atl. Gas Light (Southern Co.)	\$300,000.00
100-031-03110-31372	SSEMC	\$360,000.00
100-031-03110-31373	Comcast	\$530,000.00
100-031-03110-31374	AT&T	\$175,000.00
100-031-03110-31375	Georgia Power	\$875,000.00
SUBTOTAL		\$2,240,000.00

**Selective Sales & Use
Tax**

100-031-03140-34200	Alcoholic Beverage Excise Tax	\$90,000.00
100-031-03140-34300	Alcoholic Beverage Wholesale Excise Tax	\$5,000.00
100-031-03140-34900	Other Selective Tax	
SUBTOTAL		\$95,000.00

Business Taxes

100-031-03160-31610	Bus. & Occupational Taxes	\$2,225,000.00
100-031-03160-31620	Insurance Premium Tax	
100-031-03160-31630	Financial Institution Taxes	\$5,000.00
SUBTOTAL		\$2,230,000.00

Penalties & Interest On Delinquent Taxes

100-031-03190-39100	Pen. & Int. on delinquent Taxes	\$1,000.00
SUBTOTAL		\$1,000.00

TAXES SUBTOTAL

License & Permits

Business License

100-032-03210-32110	Alcoholic Beverages	\$50,000.00
100-032-03210-32120	General Business License (Admin. Fees)	\$225,000.00
100-032-03210-32190	Other Licenses/Permits	
100-032-03210-32210	Insurance Prem.(Collections begin in 2019)	\$0.00
SUBTOTAL		\$275,000.00

Building/Development Permits

100-032-03220-32200	Building Permits	\$900,000.00
100-032-03220-32202	Development Permits	\$75,000.00
100-032-03220-32205	Zoning Applications	\$25,000.00
SUBTOTAL		\$1,000,000.00

Regulatory Fees

100-032-03230-32300	Regulatory Fees	
100-032-03230-32310	Inspection Fees	
SUBTOTAL		

LICENSE & PERMITS SUBTOTAL

General Government**General Government**

100-034-03400-34119	Other Fees (Tax Comm. IGA)	\$0.00
100-034-03400-34120	Film Permitting	\$7,500.00
100-034-03400-34930	Bad Check Fees	
SUBTOTAL		\$7,500.00

GENERAL GOVERNMENT SUBTOTAL**Fines & Forfeitures****Fines & Forfeitures**

100-035-03510-35100	Municipal Court	\$5,000.00
SUBTOTAL		\$5,000.00

FINES & FORFEITURE SUBTOTAL**Interest Earned****Interest Revenues**

100-360-36100-36100	Interest Revenues	
SUBTOTAL		

INTEREST EARNED SUBTOTAL**Other Sources of
Revenue****Contributions/Donations**

100-370-37100-37100	Donations/Contributions	\$0.00
SUBTOTAL		\$0.00

Other Financing Sources

100-390-39100-39120	Transfer from Hotel/Motel	\$390,000.00
100-390-39100-39121	Transfer fom Hotel/Motel for Parks	
100-390-39100-39122	Transfer From Rental Car	\$15,000.00
SUBTOTAL		\$405,000.00

OTHER SOURCES OF REVENUE SUBTOTAL

TOTAL GENERAL FUND REVENUES**\$6,497,250.00****100-General Fund Expenditures Detail**FY 2018
12 MONTHS**City Council**

100-010-05110-51110	Regular Salaries	\$140,000.00
100-010-05110-51210	Group Insurance	\$25,000.00
100-010-05110-51240	Retirement	\$10,000.00
100-010-05110-51260	Unemployment Expense	\$0.00
100-010-05110-51270	Workers Comp.	\$8,000.00
100-010-05110-51200	FICA/Medicare	\$15,000.00
100-010-05110-52105	Uniforms	\$1,000.00
100-010-05110-52121	Contractual Svcs.(Legislative Support)	\$25,000.00
100-010-05110-52350	Travel Expenses	\$15,500.00
100-010-05110-52370	Education & Training	\$6,000.00
100-010-05110-53100	Operating Supplies	\$6,000.00
100-010-05110-53160	Mayor's Expenses	\$5,000.00
100-010-05110-53165	Council Expences	\$15,000.00
100-010-05110-53170	Committee Support (Arabia Mtn., Etc.)	\$6,000.00
100-010-05110-53175	City Events	\$3,000.00
City Council Subtotal		\$280,500.00

City Manager

100-010-05130-51110	Regular Salaries	\$0.00
100-010-05130-51200	FICA/Medicare	\$0.00
100-010-05130-51210	Group Insurance	\$0.00
100-010-05130-51240	Retirement	\$0.00
100-010-05130-51260	Unemployment Expense	\$0.00
100-010-05130-51270	Workers Comp.	\$0.00
100-010-05130-51290	Other Emp. Benefits	
100-010-05130-51280	Relocation Expenses	
100-010-05130-52121	Contractual Services	\$225,000.00
100-010-05130-52350	Travel Expense	\$250.00
100-010-05130-52360	Dues & Fees	\$500.00
100-010-05130-52370	Education & Training	\$1,000.00
100-010-05130-53100	Operating Supplies	\$500.00
100-010-05130-53175	City Events	\$500.00
City Manager Subtotal		\$227,750.00

City Clerk

100-010-05131-51110	Regular Salaries
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100-010-05131-51200	FICA/Medicare	
100-010-05131-51210	Group Insurance	
100-010-05131-51240	Retirement	
100-010-05131-51260	Unemployment Expense	
100-010-05131-51270	Workers Comp.	
100-010-05131-51290	Other Employment Benefits	
100-010-05131-52112	Election Services	\$10,000.00
100-010-05131-52120	Professional Services	
100-010-05131-52121	Contractual Services	\$130,000.00
100-010-05131-52330	Advertising	\$7,500.00
100-010-05131-52350	Travel Expense	\$250.00
100-010-05131-52360	Dues & Fees	\$400.00
100-010-05131-52370	Education & Training	\$1,000.00
100-010-05131-53110	Operating Supplies	\$2,500.00
100-010-05131-53101	Postage	\$750.00
City Clerk Subtotal		\$152,400.00

Public Works

100-010-05135-51110	Regular Salaries	
100-010-05135-51200	FICA/Medicare	
100-010-05135-51210	Group Insurance	
100-010-05135-51240	Retirement	
100-010-05135-51260	Unemployment Expense	
100-010-05135-51270	Workers Comp.	
100-010-05135-51290	Other Emp. Benefits	
100-010-05135-51280	Relocation Expenses	
100-010-05135-52121	Contractual Services	\$175,000.00
100-010-05135-52350	Travel Expense	\$250.00
100-010-05135-52360	Dues & Fees	\$500.00
100-010-05135-52370	Education & Training	\$1,000.00
100-010-05135-53100	Operating Supplies	\$500.00
Public Works Subtotal		\$177,250.00

Public Safety

100-010-05136-51110	Regular Salaries	
100-010-05136-51200	FICA/Medicare	
100-010-05136-51210	Group Insurance	
100-010-05136-51240	Retirement	
100-010-05136-51260	Unemployment Expense	
100-010-05136-51270	Workers Comp.	
100-010-05136-51290	Other Emp. Benefits	
100-010-05136-51280	Relocation Expenses	
100-010-05136-52121	Contractual Services	\$50,000.00
100-010-05136-52350	Travel Expense	
100-010-05136-52360	Dues & Fees	

100-010-05136-52370	Education & Training	\$500.00
100-010-05136-53100	Operating Supplies	\$500.00
Public Safety Subtotal		\$51,000.00

Finance Administration

100-010-05151-51110	Regular Salaries	
100-010-05151-51200	FICA/Medicare	
100-010-05151-51210	Group Insurance	
100-010-05151-51240	Retirement	
100-010-05151-51260	Unemployment Expense	
100-010-05151-51270	Workers Comp.	
100-010-05151-51290	Other Employment Benefits	
100-010-05151-52110	Audit Services	\$75,000.00
100-010-05151-52120	Professional Services (GMA-Telecom;Tax IGA)	\$59,700.00
100-010-05151-52121	Contract Services	\$505,000.00
100-010-05151-53100	Operating Supplies	\$5,000.00
100-010-05151-53101	Postage	\$5,000.00
100-010-05151-54240	Software	\$15,000.00
Finance Administration Subtotal		\$664,700.00

Legal Services

100-010-05153-52122	Attorney Fees/City Attorney	\$350,000.00
100-010-05153-52130	Attorney Fees/Other	\$100,000.00
100-010-05153-52121	Contractual Services	\$0.00
100-010-05153-52120	Professional Services (Bond Attorneys)	\$20,000.00
Legal Services Subtotal		\$470,000.00

Facilities & Buildings

100-010-05156-51300	Technical Services	
100-010-05156-52120	Professional Services	\$10,000.00
100-010-05156-52200	Repairs & Maintenance	\$5,000.00
100-010-05156-52210	Sanitation	
100-010-05156-52301	Real Estate Rents/Leases	\$205,000.00
100-010-05156-53103	Office Supplies	
100-010-05156-53121	Water/Sewer	
100-010-05156-52122	Natural Gas	
100-010-05156-53123	Electricity	\$24,000.00
100-010-05156-54130	Buildings & Improvements	\$50,000.00
100-010-05156-54230	Furniture & Fixtures	\$25,000.00
100-010-05156-54250	Other Equipment	\$10,000.00
Facilities & Buildings Subtotal		\$329,000.00

Communications

100-010-05157-51110	Regular Salary	\$0.00
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100-010-05131-51200	FICA/Medicare	\$0.00
100-010-05131-51210	Group Insurance	\$0.00
100-010-05131-51240	Retirement	\$0.00
100-010-05131-51260	Unemployment Expense	\$0.00
100-010-05131-51270	Workers Comp.	\$0.00
100-010-05131-52121	Contractual Services	\$388,000.00
100-010-	Professional Services	
100-010-05131-52340	Printing	\$5,000.00
100-010-05131-53101	Postage	
100-010-05131-53175	City Events	
100-010-05131-54250	Other Equipment	\$5,000.00
Communications		
Subtotal		\$398,000.00

IT/GIS		
100-010-05158-52121	Contractual Services: CH2M	\$315,000.00
100-010-05158-53100	Supplies	\$5,000.00
100-010-05158-54240	Computer/Software	\$22,000.00
100-010-05158-54250	Other Equipment	\$10,000.00
IT/GIS Subtotal		\$352,000.00

Economic Development		
100-010-05155-52121	Contracted Services: CH2M	\$305,000.00
100-010-05155-52120	Professional Services (Filming, etc.)	\$12,000.00
100-010-05155-34120	Film Permitting (FilmApp, permits, etc)	\$5,000.00
100-010-05155-52132	Marketing	\$100,000.00
100-010-05155-52370	Education & Training	\$5,000.00
Econ. Development Subtotal		\$427,000.00

General Operations		
100-010-05159-52101	Official/Admin Start Up	
100-010-05159-52120	Professional Services	\$25,000.00
100-010-05159-52121	Contractual Services: CH2M	\$113,500.00
100-010-05159-52123	Professional Services: Other	
100-010-05159-52310	General Liability Insurance	\$25,000.00
100-010-05159-52330	Advertising	
100-010-05159-52340	Printing	\$5,000.00
100-010-05131-52360	Dues & Fees	\$15,000.00
100-010-05159-52370	Education & Training - Boards	\$0.00
100-010-05159-53100	Operating Supplies	\$0.00
100-010-05159-53101	Postage	\$7,500.00
100-010-05159-53103	Office Supplies	\$20,000.00
100-010-05159-53104	Service Fees/Phones	\$33,000.00
100-010-05159-53175	City Events	\$15,000.00

100-010-05159-54230	Furniture & Fixtures	\$15,000.00
100-010-05159-54231	Signs	\$7,000.00
100-010-05159-54240	Computer/Software	\$75,000.00
100-010-05159-54250	Other Equipment	\$15,000.00
100-010-05159-58130	Principal Note Payments	
100-010-05159-58230	Interest Note Payments	
100-010-05159-58400	Closing Costs	
General Operations Subtotal		\$371,000.00

Municipal Court		
100-050-05160-52120	Professional Services- Judges	\$15,000.00
100-050-05160-52121	Professional Services- Clerk/CH2M	\$20,000.00
100-050-05160-52140	Solicitor	\$14,000.00
100-050-05160-52150	Public Defender	\$5,000.00
100-050-05160-52160	Probation Services	\$2,500.00
100-050-05160-52170	Court Clerk	\$3,000.00
100-050-05160-52180	Court Security	\$4,500.00
100-050-05160-54240	Court Software	\$2,500.00
100-050-05160-52351	Administration Expenses	\$5,000.00
Municipal Court Subtotal		\$71,500.00

Parks		
100-060-06210-52121	Professional Services:CH2M	\$95,000.00
100-060-06210-52200	Repairs & Maintenance	\$20,000.00
100-060-05159-53100	Operating Supplies	
Parks Subtotal		\$115,000.00

Community Development		
100-070-07210-52105	Uniforms	\$2,500.00
100-070-07210-52121	Contractual Services: CH2M	\$1,560,000.00
100-070-07210-52120	Professional Services: Comp. Plan	\$0.00
100-070-07210-52330	Advertising	\$5,000.00
100-070-07210-52340	Printing	\$4,000.00
100-070-05159-52370	Education & Training: Staff/Boards	\$6,000.00
100-070-05159-53100	Operating Supplies	\$8,000.00
100-070-07210-53101	Postage	\$1,500.00
100-070-05159-54240	Computer/Software	\$17,000.00
100-070-07210-54250	Equipment	\$5,000.00
Community Development Subtotal		\$1,609,000.00

Designated Reserve		
100-010-05900-57902	Reserve Contingency	\$801,150.00

Designated Reserve Subtotal	\$801,150.00
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TOTAL GENERAL FUND EXPENDITURES	\$6,497,250.00
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275-Hotel/Motel Tax Fund Revenue Detail

Taxes	
275-031-03140-31410	Hotel/Motel Excise Tax
275-031-03140-39100	Pen. & Interest on Delinquent Tax
Taxes Subtotal	

275-Hotel/Motel Tax Fund Expenditure Detail

Economic Development		
275-075-07500-61100	Transfer to General Fund	\$390,000.00
275-075-07500-61101	Transfer to General Fund for Parks	
275-075-07500-75400	Discover Dekalb	\$260,000.00
Economic Development Subtotal		\$650,000.00

280 - Rental Car Tax Fund Revenue Detail

Taxes		
280-031-03140-31440	Excise Tax on Rental Motor Vehicles	\$15,000.00
280-031-03140-39100	Penalty & Interest on Delinquent Tax	
Taxes Subtotal		\$15,000.00

280 - Rental Car Tax Fund Expenditures Detail

Economic Development		
280-075-07500-61100	Transfer to General Fund	\$15,000.00
Economic Development Subtotal		\$15,000.00



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance for Amendment to Pouring Hours (Incorporating Dekalb's recent changes)

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 03/6/18 Work Session: 03/07/18 Council Meeting: 03/19/18

SUBMITTED BY: Attorney Emily E. Macheski-Preston

PURPOSE: This Ordinance is to amend the Pouring Hours in the City of Stonecrest to incorporate changes made in DeKalb County. The First Read was March 7, 2018.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Second Read and Adoption

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, AMENDING THE
HOURS OF SALE AND OPERATION OF BUSINESSES SELLING ALCOHOLIC
BEVERAGES**

WHEREAS, the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-1 et al.) regulates state-wide alcoholic beverage related activities in the State of Georgia

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to define, regulate, license, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare and safety of the inhabitants of the City, and to provide for the enforcement of such standards; and

WHEREAS, the Mayor and Council wish to amend Chapter 4 of the Code of Ordinances for the City of Stonecrest, Georgia to amend the hours of operation for businesses selling alcoholic beverages for consumption on the premises.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: **Section 4.5.12 – Hours of sale and operation of The Code of the City of Stonecrest, Georgia, is hereby amended to read as follows:**

(a) Distilled spirits shall be sold and delivered to the customer for consumption on the premises during the following hours:

(i) Monday through ~~Friday~~ Wednesday hours are from 9:00 a.m. until ~~3:55~~ 2:00 a.m. of the following day.

(ii) Thursday through Saturday hours are from 9:00 a.m. until ~~2:55~~ 2:30 a.m. on Sunday.

(iii) Sunday hours are from 12:30 p.m. until ~~2:55~~ 2:00 a.m. on Monday as permitted by section 4.5.15.

(b) Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons ~~by 3:30 a.m.~~ within ½ hour after the time set in this chapter for discontinuance of the sale of alcoholic beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

Section 2: **Section 4.5.15 – Sunday sales of The Code of the City of Stonecrest, Georgia, is hereby amended to read as follows:**

(a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from the sale of prepared meals or food, or licensed establishments deriving at least sixty (60) percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages, malt beverages and wine by the drink from 12:30 p.m. on Sunday until ~~2:55~~ 2:00 a.m. of the following Monday

(b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the City Manager or his designee. The City Manager or his designee may, at anytime, require that the

licensee obtain an audit prepared by a certified public accountant, at the licensee's expense, to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the City Manager or his designee. No later than March 31st of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

(c) All annual permit renewals shall be filed with the City Manager or his designee not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.

(d) Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. Fees are not refundable and permits shall not be transferable.

(e) Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit shall be valid for one (1) calendar month and partial months shall be counted as a full month. Licensees must apply thirty (30) days in advance of the issuance date.

Section 3: Section 4.5.18 – Hours of sale and operation of The Code of the City of Stonecrest, Georgia, is hereby amended to read as follows:

(a) Beer and/or wine shall be sold and delivered to the customer for consumption on the premises only during the following hours:

(i) Monday through Friday Wednesday hours are from 9:00 a.m. until 3:55 2:00 a.m. of the following day.

(ii) Thursday through Saturday hours are from 9:00 a.m. until 2:55 2:30 a.m. on Sunday.

(iii) Sunday hours are from 12:30 p.m. until 2:55 2:00 a.m. on Monday as permitted by section 4.5.15.

(b) Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons by 3:30 a.m. within ½ hour after the time set in this chapter for discontinuance of the sale of alcoholic beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

Section 4: Section 4.5.21- Sunday sales of The Code of the City of Stonecrest, Georgia, is hereby amended to read as follows:

(a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from prepared meals or food, or licensed establishments deriving at least sixty (60) percent of their total annual gross income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages by the drink from 12:30 p.m. on Sunday until 2:55 2:00 a.m. of the following Monday.

(b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the City Manager or his designee. The City Manager or his designee may, at anytime,

require that the licensee obtain an audit prepared by a certified public accountant, at the licensee's expense, to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the City Manager or his designee. No later than March 31st of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

(c) All annual permit renewals shall be filed with the City Manager or his designee not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.

(d) Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. Fees are not refundable and permits shall not be transferable.

(e) Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit shall be valid for one (1) calendar month and partial months shall be counted as a full month. Licensees must apply thirty (30) days in advance of the issuance date.

Section 5: Section 4.5.24 – Hours of sale and operation of The Code of the City of Stonecrest, Georgia, is hereby amended to read as follows:

(a) Alcoholic beverages shall be sold and delivered to patrons for consumption on the premises only during the following hours:

(i) Monday through ~~Friday~~ Wednesday hours are from 9:00 a.m. until ~~3:55~~ 2:00 a.m. of the following day.

(ii) Thursday through Saturday hours are from 9:00 a.m. until ~~2:55~~ 2:30 a.m. on Sunday.

(iii) Sunday hours are from 12:30 p.m. until ~~2:55~~ 2:00 a.m. on Monday as permitted by section 4.5.15.

(b) Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons within ~~one (1)~~ ½ hour after the time set by this chapter for discontinuance of the sale of alcoholic beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

Section 6: Section 4.5.26 – Sunday sales of The Code of the City of Stonecrest, Georgia, is hereby amended to read as follows:

(a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from prepared meals or food, or licensed establishments deriving at least sixty (60) percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages, malt beverages and wine by the drink from 12:30 p.m. on Sunday until ~~2:55~~ 2:00 a.m. of the following Monday. (No later than March 31 of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

- (b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the City Manager or his designee. An audit may be required at any time to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the City Manager or his designee.
- (c) All annual permit renewals shall be filed with the City Manager or his designee not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.
- (d) Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. Fees are not refundable and permits shall not be transferable.
- (e) Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit shall be valid for one (1) calendar month and partial months shall be counted as a full month. Licensees must apply thirty (30) days in advance of the issuance date.

Section 3:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within ordinance shall become effective upon its adoption.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance of the City of Stonecrest regarding SLUP 17-0003

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 02/7/18 Council Meeting 02/19/18 Council Meeting: 03/19/18

SUBMITTED BY: Attorney Emily E. Macheski-Preston

PURPOSE:

HISTORY: This ordinance was advertised, public hearings held in front of Planning Commission and went before Council on February 19, 2018. Mayor and Council Denied the request for a special land use permit to operate a drive through window at 8200 Mall Parkway for failure to make satisfactory provisions or arrangements regarding all factors in Section 7.4.6 of Article 7 of Chapter 27 of the Code of Ordinances, including factors A, B, D, E, F, I, J, S and T.

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Mayor and Council

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, REGARDING SLUP
17-0003**

WHEREAS, the City of Stonecrest has advertised and held public hearings on February 6, 2018 in front of the Planning Commission and February 19, 2018 in front of the Mayor and City Council regarding SLUP 17-0003, the request for a special land use permit to operate a drive-through window at 8200 Mall Parkway, Stonecrest, Georgia;

WHEREAS, the City of Stonecrest has been vested with substantial powers, rights, and functions to generally regulate the use of real property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City; and

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1:

SLUP 17-0003, a request for a special land use permit to operate a drive-through window at 8200 Mall Parkway, Stonecrest, Georgia is **DENIED** for the failure to make satisfactory provisions or arrangements regarding all of the factors in Sec. 7.4.6 of Article 7 of Chapter 27 of the City of Stonecrest Code of Ordinances, including factors A., B., D., E., F., I., J., S., and T.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

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

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. [The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.]

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: An Ordinance of the City of Stonecrest regarding SLUP 17-0004

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 02/7/18 **Council Meeting** 02/19/18 **Council Meeting:** 03/19/18

SUBMITTED BY: Attorney Emily E. Macheski-Preston

PURPOSE:

HISTORY: This ordinance was advertised, public hearings held in front of Planning Commission and went before Council on February 19, 2018. Mayor and Council Denied the request for a special land use permit to operate personal care home four to six persons at 4185 Panola Road for failure to make satisfactory provisions or arrangements regarding all factors in Section 7.4.6 of Article 7 of Chapter 27 of the Code of Ordinances, including factors A, B, E, H, I, J, S and T.

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Mayor and Council

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, REGARDING SLUP
17-0004

WHEREAS, the City of Stonecrest has advertised and held public hearings on February 6, 2018 in front of the Planning Commission and February 19, 2018 in front of the Mayor and City Council regarding SLUP 17-0004, the request for a special land use permit to operate a personal care home four to six persons at 4185 Panola Road, Stonecrest, GA;

WHEREAS, the City of Stonecrest has been vested with substantial powers, rights, and functions to generally regulate the use of real property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City; and

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1:

SLUP 17-0004, a request for a special land use permit to operate a personal care home four to six persons at 4185 Panola Road, Stonecrest, Georgia is **DENIED** for the failure to make satisfactory provisions or arrangements regarding all of the factors in Sec. 7.4.6 of Article 7 of Chapter 27 of the City of Stonecrest Code of Ordinances, including factors A., B., E., H., I., J., S., and T.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. [The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.]

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Chapter 7 Building Ordinance

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 03/6/18 Work Session: 03/07/18 Council Meeting: 03/19/18

SUBMITTED BY: Attorney Emily E. Macheski-Preston

PURPOSE: This Ordinance is adopting Chapter 7 of its Code concerning Building and Construction, adopting the international Property Maintenance Code. The First Read was March 7, 2018.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Second Read and Adoption of Ordinance

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**ORDINANCE OF THE CITY OF STONECREST, GEORGIA, ADOPTING CHAPTER 7
OF ITS CODE, CONCERNING BUILDINGS AND CONSTRUCTION; ADOPTING THE
INTERNATIONAL PROPERTY MAINTENANCE CODE; AND FOR OTHER
PURPOSES.**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to regulate and to license the erection and construction of buildings and all other structures and to adopt all required and permissive international codes as adopted by the State of Georgia; and

WHEREAS, the Mayor and City Council are charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council deem it necessary to adopt building and construction regulations, as well as the International Property Maintenance Code, in order to ensure the safety of buildings in the City.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: The Mayor and City Council hereby adopt in its totality the Building and Construction code, designated as Chapter 7 of the City Code of the City of Stonecrest, to read in its entirety as follows:

Chapter 7 - BUILDINGS AND CONSTRUCTION

ARTICLE I. - IN GENERAL

Sec. 7-1. - Definitions.

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

Adopted state codes means all codes and standards adopted by reference in this Chapter.

Board means the construction board of appeals.

Building official means the officer or other person designated by the director with the authority charged with the administration and enforcement of this Code.

Director means the director of the community development department or designee.

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Emergency means any situation resulting in imminent danger to the public health or safety or the loss of an essential governmental service.

End user means the ultimate consumer of a product, especially the one for whom a product has been designed.

Independent means not affiliated in any way with the applicant for the variance or any city or county official or employee.

Justifiable cause means a reason given by the applicant or permit holder that in the opinion of the director is valid and sufficient. Justifiable cause does not include delay that is created by the applicant or permit holder or delay that reasonably could have been avoided by the applicant or permit holder.

Ordinary repairs means nonstructural repairs to a building or structure or repairs to a mechanical system, gas system, plumbing system, electrical system, and energy conservation system for which the codes specify no minimum requirements or standards or do not address the repair. The term "ordinary repairs" does not include additions, alterations, relocations, or replacements to buildings or structures, water supplies, sewers, drains, drain leaders, gas, soil waste, vent or other similar piping, electrical systems or wiring, mechanical systems or other work for which a permit is required by the Code or the building official.

Pre-qualified alternate registered engineer means a registered design professional recommended by the city council or its designee, or the construction board of appeals and approved by the city council for compliance with O.C.G.A. § 8-2-26 et seq.

Protective means a method or material that provides the same or greater protection of health, safety, life or property as provided by the construction requirements set forth in this Code.

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57 *Registered design professional* means architects, civil, structural, mechanical, electrical, and
58 plumbing engineers and others whose services require licensing by the state.

59 *Technical codes* means collectively the International Building Code, International
60 Residential Code, International Plumbing Code, International Mechanical Code, International
61 Fuel Gas Code, National Electrical Code, International Pool and Spa Code, International
62 Existing Building Code, International Green Building Code, International Property Maintenance
63 Code, International Energy Conservation Code as adopted, amended, and mandated by the State
64 of Georgia along with amendments and local supplemental codes as adopted by the city.

65 **Sec. 7-2. - Building numbering.**

66 (a) *Assigning numbers; size; installation; inspections.* Street numbers will be assigned for all
67 buildings and structures. Numbers must be erected and displayed in front of the project on a
68 board with permanent numbers not smaller than four inches. Numbers must be in place at
69 the beginning of the job before the footing inspection is made and be continuously displayed
70 thereafter until the job is complete and all final inspections have been made. No inspection
71 will be made where street numbers are not in place as required in this section. Contractors
72 and others shall always refer to the street number when calling the Community Development
73 department for an inspection request or information.

74 (b) *Designation of street numbers.* Street numbers for dwelling units and places of business on
75 all public streets and street numbers or building numbers for dwelling units and places of
76 business within apartment projects and nonresidential developments located on private
77 streets shall be assigned by the ~~DeKalb~~ planning department in accordance with its
78 administrative procedures Community Development Director or designee".

79 (c) *Posting*. All buildings, including, but not limited to, one- and two-family dwelling units,
80 multifamily dwelling units, and each place of business, shall have approved address
81 numbers placed in a position to be plainly legible and visible from the public or private
82 street or road frontage. These numbers shall contrast with their background. Address
83 numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four
84 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

85 **Secs. 7-3—7-22. - Reserved.**

86

87 **ARTICLE II. - CONSTRUCTION AND TECHNICAL CODES**

88 **Sec. 7-23. - Adopted state minimum standards codes.**

89 (a) *Adoption of Standard Codes*. It is hereby declared to be the intention of the City Council to
90 enforce and adopt the State Minimum Standard Codes as defined by O.C.G.A. §8-2-20(9).
91 The adoption includes the latest edition of the following State Minimum Standard
92 Mandatory Codes, as adopted and amended by the State Department of Community Affairs.
93 All new construction, installations, repairs or alterations shall be in conformance with the
94 current edition of the following codes and referenced appendixes with state amendments:

- 95 (1) International Building Code.
96 (2) International Residential Code and Appendix G.
97 (3) International Plumbing Code and the Georgia Amendments, as well as Appendices C
98 (state version), H, I (state version).
99 (4) International Mechanical Code with Appendix C.
100 (5) International Fuel Gas Code.
101 (6) National Electrical Code.

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- 102 (7) International Energy Conservation Code, along with Appendices A, B, C, D.
- 103 (8) International Fire Code.
- 104 (9) International Pool and Spa Code.
- 105 (b) It is hereby declared to be the intention of the City Council to enforce and adopt the
- 106 following permissive codes, as adopted by the State Department of Community Affairs and
- 107 other applicable agencies.
- 108 (1) International Property Maintenance Code
- 109 (2) International Existing Building Code
- 110 (3) International Green Building Code
- 111 (c) *Appendices.* The appendices included in any code adopted pursuant to this chapter are not
- 112 intended for enforcement unless specifically referenced in this chapter or specifically
- 113 included in this Code.
- 114 (d) *Referenced codes and standards.* The adopted state codes adopted pursuant to this article
- 115 shall be considered part of the requirements of this chapter to the prescribed extent of each
- 116 such adoption. Where differences occur between the provisions of this chapter and
- 117 referenced codes and standards, the provisions of this chapter shall govern.
- 118
- 119 **Sec. 7-24. Amendments to the International Building Code and International Residential**
- 120 **Code.**
- 121
- 122 (a) Notwithstanding anything to the contrary contained herein, the International Building Code
- 123 adopted by reference in section 7-23 is adopted with the following additions, deletions,
- 124 modifications, or amendments:

(1) Revise section 1612.3 to include "The flood insurance study for DeKalb County
countywide FIRM and FIS effective 5-7-2001."

(2) Adopt Appendix A (Employee Qualifications), amended as follows:

(i) ~~A101.1. Building Official. The Building Official shall have at least ten (10)
years' experience or equivalent as an architect, engineer, inspector, contractor or
superintendent of construction, or any combination of these, five (5) years of
which shall have been supervisory experience. The Building Official shall be
certified as a Certified Building Official (CBO) through a recognized certification
program. The Building Official shall hold all certifications and credentials of
trades overseen or departments supervised (i.e. Certified Housing Code Official
for Code Enforcement Supervision). Building Officials not certified as certified
code officials may have Chief Inspectors for each trade maintaining their
corresponding trade certifications.~~

(ii) ~~A101.2. Chief Inspector. The Building Official can designate supervisors to
administer the provisions of the International Building, Mechanical and Plumbing
Codes, International Fuel Gas Code, and ICC Electrical Code. Each supervisor
shall have at least ten (10) years' experience or equivalent as an architect,
engineer, inspector, contractor or superintendent of construction, or any
combination of these, five (5) years of which shall have been in a supervisory
capacity. They shall be certified through a recognized certification program for
the appropriate trade.~~

(iii) ~~A101.3. Inspector and Plans Examiner. The Community Development Director
or designee shall appoint or hire such number of officers, inspectors, assistants~~

and other employees as shall be authorized by the City Council. A person shall not be appointed or hired as Inspector of Construction or Plans Examiner who has not had at least five (5) years' experience as a contractor, engineer, architect, or as a superintendent, foreman, or competent mechanic in charge of construction. The Inspector or Plans Examiner shall be certified through a recognized certification program for the appropriate trade. If Inspectors or Plans Examiners lack certifications for specific trades then the Building Official must have those certifications and supervise all inspections or plan reviews performed accordingly. The Inspector or Plan Reviewer is expected to be in active pursuit of obtaining lacking certifications within a time frame specified by the City Manager.

(iv) ~~A101.3.5. Code Enforcement/Code Compliance Personnel.~~

a. ~~Code Enforcement Official, or supervisory personnel under the direction of the Community Development Director or designee must obtain and maintain Level II certification from GACE as well as ICC certification as a Property Maintenance and Housing Inspector and Zoning Inspector. Certified Code Enforcement Officer designation from the American Association of Code Enforcement is preferred.~~

b. ~~Code Enforcement Officers under the direction of the Community Development Director or designee must obtain and maintain a Level I certification from GACE, which should be required for every Code Enforcement Officer as well as ICC certification as a Property Maintenance and Housing Inspector.~~

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~~e. The Building Official and all Inspectors and Plan Reviewers must maintain their certifications as active in accordance with the certification program issuing the certification.~~

~~(v) A101.4. Termination of Employment is hereby deleted in its entirety.~~

(b) Notwithstanding anything to the contrary contained herein, the International Residential Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:

(1) International Residential Code:

a. Table 301.2(1) in chapter 3 shall be completed by adding the following information to the blank spaces:

1. Ground snow load (lbs. per square foot) — 8.
2. Wind speed (fastest mile) — 90.
3. Seismic design category B.
4. Weathering — moderate.
5. Frost line depth — Yes, 12-inch minimum.
6. Termite damage — Yes, very heavy.
7. Decay damage — Yes, moderate to severe.
8. Winter design temp. for heating facilities — (22 degrees Fahrenheit).
9. Flood hazard - Yes.
10. Air Freezing Index — 225
11. Ice Barrier Underlayment Required — No.
12. Mean Annual Temperature — 55 degrees Fahrenheit to 60 degrees Fahrenheit

(2) Local supplemental ordinance requirements to the state adopted International

Residential Code:

- a. A set of plans that include building, plumbing, mechanical, and electrical plans and the site plan as required in this Code shall be maintained on the construction site at all times.
- b. A site plan or staking survey prepared and sealed by a registered engineer or land surveyor shall be submitted at the time of the residential footing or slab inspection and prior to the pouring of same. Survey shall show the setbacks from all property lines. Setbacks shall comply with all minimum zoning ordinance requirements and/or legally acquired variances.
- c. Upon request by the director, written certification shall be provided by the permittee or property owner that all concrete reinforcing and support stirrups comply with CSRI specifications.
- d. Upon request, batch tickets shall be provided to the director for each concrete pour. No more than one gallon of water shall be added to each cubic yard of concrete mix during the concrete pour. All soil under a concrete slab shall be properly compacted and shall be covered with a minimum of six mil polyethylene film to prevent the leaching of water from the concrete pour into the soil. The director may request the permittee, at the permittee's expense, to have any concrete slab and/or footing tested by an independent third party approved by the director. The director may take any and all appropriate action including, but not limited to, requiring removal of the concrete at the permittee or property owner's expense by a date certain if the director determines that:

1. The concrete was poured in a manner contrary to this section or other law;
 2. That the concrete was poured contrary to ACI specifications; or
 3. That the slab or footings are defective as verified by the third party testing.
- e. The skirt of the concrete apron for any driveway shall rise to no less than eight inches above the flowline in the curb and the gutter and shall be eight feet from the face of the curb at the flowline.
- f. All residential driveways, stops, patios, and walkways shall bear on properly compacted soil, foundation ledges or be doweled at slab. Maximum residential driveways slopes shall not exceed 20 percent grade. At the entrance of a garage, the garage floor shall be elevated two inches above the driveway or a drainage system approved by the director shall be installed at the entrance to the garage. Residential garages and carports shall contain not less than 19 feet six inches of actual automobile parking depth. Upon completion of construction of any driveway or garage, the engineer of record shall provide written certification to the director that such driveway and/or garage complies with the requirements of this Code, including the requirements of this section.
- g. All topsoil shall be saved, protected and shall only be reused as topsoil but not used for fill. All disturbed areas on residential lots shall be totally sodded or landscaped with approved landscaped materials. All building material that are rendered unusable by natural elements (i.e., water, sun or soil) in the opinion of the director shall be immediately removed upon discovery and replaced with satisfactory material at the permittee or property owner's expense.

237 **Sec. 7-25. - Amendments to the International Plumbing Code and International Mechanical**
238 **Code.**

239
240 ~~(a)~~ Notwithstanding anything to the contrary contained herein, the International Plumbing Code
241 adopted by reference in section 7-23 is adopted with the following additions, deletions,
242 modifications, or amendments:

243 (1) International Plumbing Code.

244 ~~a.~~ Revise section 305.6.1; insert "12-inches."

245 ~~b.~~ Revise section 305.9 to include "Components of a plumbing system installed along
246 alleyways, in yards, or lawns, driveways, parking garages or other locations
247 exposed to damage shall be recessed into the ground, wall or otherwise protected in
248 an approved manner."

249 (2) Local supplemental ordinance requirements to the state adopted plumbing code.

250 a. Waiver for an exemption to the requirements for the installation of high efficiency
251 plumbing fixtures relative to any new construction and to the repair or renovation
252 of an existing building may be given under the following conditions:

- 253 1. When the repair or renovation of the existing building does not include the
254 replacement of the plumbing or sewage system servicing toilets, faucets, or
255 shower heads within such existing building;
- 256 2. When such plumbing or sewerage system within such existing building,
257 because of its capacity, design, or installation would not function properly if
258 the toilets, faucets, or shower heads required by this part were installed;
- 259 3. When such system is a well or gravity flow from a spring and is owned
260 privately by an individual for use in such individual's personal residence; or

4. When units to be installed are:

- (i) Specifically designed for use by person with disabilities;
- (ii) Specifically designed to withstand unusual abuse or installation in a penal institution; or
- (iii) Toilets for juveniles.

~~(b) Notwithstanding anything to the contrary contained herein, the International Mechanical Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:~~

Sec. 7-26. - Amendments to the International Fuel Gas Code, the state adopted Electrical Code and the International Energy Conservation Code.

(a) Notwithstanding anything to the contrary contained herein, the International Fuel Gas Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:

- (1) Local supplemental ordinance requirements to the state adopted Gas Code. Gas lines shall be inspected and pressure tested at the rough-in inspection.

(b) Notwithstanding anything to the contrary contained herein, the state adopted Electrical Code adopted by reference in section 7-23 is adopted with the following additions, deletions, modifications, or amendments:

- (1) Local supplemental ordinance requirements to the state adopted Electrical Code.

- a. Electrical fences consisting of an electrically charged conductor or other electrically charged devices shall be permitted to be used only for the confinement of farm animals. Only fence chargers of the intermittent current type listed by a nationally recognized independent testing laboratory shall be permitted to be used.

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Electrical fences shall not be used except by special permission after written application to the director.

- b. A reinspection permit and reinspection shall be required before power is restored to any residence or building where power has been disconnected for six months or more.

Sec. 7-27. - State fire safety rules adopted.

It is the declared intention of the City Council to adopt and enforce the rules and regulations of the Safety Fire Commissioner Chapter 120-3-3 "Rules and Regulations for the State Minimum Fire Safety Standards" as specified in O.C.G.A. §25-2-4, and Chapter 120-3-20 "Access to and use of Public Facilities by Handicapped Persons" as specified in O.C.G.A. §30-3-7(G).

Sec. 7-28. Fire Limits.

The fire limits of the city for purposes of the building code shall be the same as is provided in this Code.

Sec. 7-29. Application of the International Fire Code.

The International Fire Code shall apply to all existing buildings and subjects all existing buildings to periodic inspection for compliance with the adopted fire code. The Georgia amendment to the International Fire Code, designated as Section 101.3 (Purpose and intent) of the Code, is hereby adopted by reference.

Secs. 7-30—7-55. - Reserved.

ARTICLE III. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 7-56. Purpose

309 The purpose of this Article is to provide for the administration and enforcement of the
310 State Minimum Standard Codes for construction as adopted and amended by the State
311 Department of Community Affairs. Hereinafter, the State Minimum Standard Codes for
312 construction shall be referred to as the construction codes or "this code."

313 **Sec. 7-57. Code Remedial.**

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

322 (b) *Quality Control.* Quality control of materials and workmanship is not within the purview
323 of the construction codes except as it relates to the purposes stated herein.

324 (c) *Permitting and Inspection.* The inspection or permitting of any building, system or plan
325 under the requirements of construction codes shall not be construed in any court as a
326 warranty of the physical condition of such building, system or plan or their adequacy.
327 Neither the city, nor any employee thereof, shall be liable in tort for damages for any
328 defect or hazardous or illegal condition or inadequacy in such building, system or plan,
329 nor for any failure of any component of such, which may occur subsequent to such
330 inspection or permitting.

331 **Sec. 7-58. - Conformance to construction, installation, repair and maintenance standards.**

The provisions of this article shall apply to the construction, erection, installation, alteration, demolition, repair, relocation, replacement, addition to, use or maintenance of buildings or structures, plumbing, mechanical, gas, and electrical systems within the city. Any and all requirements of this Article shall expressly include any and all technical codes as amended by the city pursuant to this Chapter.

Sec. 7-59. - Applicability.

(a) *Generally.* The provisions of this Chapter shall apply to all matters affecting or related to buildings, structures, equipment or systems as set forth in section 7-58. Where, in any specific case, different sections of this Chapter specify different materials, methods of construction or other requirements, the most restrictive requirement shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

(1) *Building.* The provisions of the International Building Code, as adopted and amended by the State Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance removal, and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, except in one- and two-family dwellings.

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

- (3) *Gas.* The provisions of the International Fuel Gas Code, as adopted and amended by the State Department of Community Affairs, shall apply to the installation of consumer's gas piping, gas appliances, and related accessories as covered in this Code. These requirements apply to gas piping systems 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.
- (4) *Mechanical.* The provisions of the International Mechanical Code, as adopted and amended by the State Department of Community Affairs, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems, except in one- and two-family dwellings.
- (5) *Plumbing.* The provisions of the International Plumbing Code, as adopted and amended by the State Department of Community Affairs, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, and when connected to a water or sewerage system.
- (6) *Energy.* The provisions of the International Energy Conservation Code, as adopted and amended by the State Department of Community Affairs, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water

heating, and illumination systems and equipment that will enable the effective use of energy in new building construction.

(7) *One- and Two-family Dwellings.* The provisions of the International Residential Code, as adopted and amended by the State Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures of detached one- and two-family dwellings and townhouses not more than three stories in height with a separate means of egress and their accessory structures.

(b) *Existing structures and installations.* Buildings, structures, plumbing, mechanical and electrical systems lawfully in existence at the time of the adoption of the ordinance from which this Chapter is derived 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 building, structure or system. The legal occupancy of any structure existing on the date of adoption of this Chapter shall be permitted to continue without change, except as is specifically covered in this Chapter, the International 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.

(c) *Public utility services.* The provisions of this Article shall not apply to the installation, alteration or repair of services up to and including the meters where such work is performed by or is an integral part of a system owned or operated by a public utility service corporation, water department, gas company, railroad company, pipeline company, or other

public utility in the exercise of its normal functions or in rendering its duly authorized service as such.

(d) *Other laws.* The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

(e) *Referenced codes and standards.* The adopted state codes adopted pursuant to this Chapter shall be considered part of the requirements of this Article to the prescribed extent of each such adoption. Where differences occur between provisions of this Chapter and referenced codes and standards, the provisions of this Chapter shall govern. Permissive and advisory provisions in any of the referenced codes shall not be construed as mandatory.

(f) *Additions, alterations or repairs.* Additions, alterations, or repairs to any building, structure or system shall conform to that required for a new building, structure or system without requiring the existing building, structure or system to comply with all requirements of this Chapter. Additions, alterations or repairs shall not cause an existing building, structure or system to become unsafe, unsanitary or overloaded. The extent to which the existing system shall be made to conform to the requirements of the State Minimum Standard Codes for new construction shall be as follows, unless otherwise required by this Chapter:

(1) When the estimated cost of the new work is less than 50 percent of the replacement cost of the existing system or building, the new work shall be brought into conformance with the requirements of the State Minimum Standard Codes for new construction.

(2) When the estimated cost of the new work is equal to or greater than 50 percent of the replacement cost of the existing system or building, the entire system or

building shall be made to conform to the requirements of the State Minimum Standard Codes for new construction.

- (3) For essential services facilities occupancy category IV type buildings as defined in the State Minimum Standard Codes for new construction, when the estimated cost of new work is equal to or greater than 30 percent of the replacement cost of the existing system, the entire system shall be made to conform to the requirements of the State Minimum Standard Codes for new construction.

(g) *Ordinary repairs.* Ordinary repairs shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacements are not hazardous to the public health, safety or welfare.

(h) *Change in occupant/occupancy.* It is unlawful to make any change in the occupant or occupancy of any building or structure that does not meet the requirements of this Chapter. Prior to the issuance of any business occupation tax certificate, the finance director or designee shall advise the building official that an application for a business occupation tax certificate has been submitted to the city for review. Prior to the issuance of the business occupation tax certificate, the building official shall inspect the building to be occupied and certify that such building or structure meets the intent of the provisions of law governing building construction for the proposed new occupant or occupancy and that such change of occupant or occupancy does not result in any hazard to the public health, safety or welfare.

(i) *Requirements not covered by Code.* Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure or system, or for the public safety, health and general welfare, not specifically covered by this Code shall be determined by the Building Official or designee.

445 **Sec. 7-60. - Enforcement officials.**

446 (a) *Enforcement.* The community development department is responsible for administration and
447 enforcement of this Chapter.

448 (b) *Deputies and authorized representatives.* In accordance with prescribed procedures of the
449 city, the building official shall have the authority to appoint a deputy building official,
450 authorized representatives, technical officers, inspectors, plan examiners and other
451 employees. Such employees shall have powers as authorized by law and delegated by the
452 building official.

453 **Sec. 7-61. - Duties and powers of the Building Official.**

454 (a) *Generally.* The Building Official is authorized and directed to enforce the provisions of this
455 Chapter and the adopted state codes. The Building Official shall have the authority to render
456 interpretations of this Code and the adopted state codes and to adopt policies and procedures
457 in order to clarify the application of their provisions. Such interpretations, policies and
458 procedures shall be in compliance with the intent and purpose of this Chapter. Such policies
459 and procedures shall not have the force and effect of law and shall not have the effect of
460 waiving requirements specifically provided for in this Chapter or in the adopted state codes.

461 (b) *Applications and permits.* The Building Official shall receive applications, review
462 construction documents and plans, issue permits for the erection, construction, alteration and
463 demolition of buildings and structures and installation of mechanical, plumbing, gas and
464 electrical systems, inspect the premises for which such permits have been issued and enforce
465 compliance with the provisions of this chapter and other applicable provisions of this Code.

466 (c) *Notices and orders.* The Building Official shall issue all necessary notices or orders to
467 ensure compliance with this Chapter.

- 468 (d) *Inspections.* The Building Official or his or her designee shall preform all of the required
469 inspections, or the Building Official shall have the authority to accept reports of inspection
470 by approved qualified agencies or individuals. Reports of such inspections shall be in
471 writing and be certified by a responsible officer of such approved agency or by the
472 responsible individual.
- 473 (e) *Identification.* The Building Official, deputy or authorized representative shall carry proper
474 identification when inspecting buildings, structures or premises in the performance of duties
475 under this Chapter.
- 476 (f) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this
477 Chapter, or where the Building Official has reasonable cause to believe that there exists in a
478 building or structure or upon a premises a condition which is contrary to or in violation of
479 this Chapter which makes the building, structure or premises unsafe, dangerous or
480 hazardous, the Building Official is authorized to enter the building, structure or premises at
481 reasonable times to inspect or to perform the duties imposed by this Chapter, provided that if
482 such building, structure or premises be occupied that credentials be presented to the
483 occupant and entry requested. If such building, structure or premises is unoccupied, the
484 Building Official shall first make a reasonable effort to locate the owner or other person
485 having charge or control of the building, structure or premises and request entry. If entry is
486 refused, the Building Official shall have recourse to the remedies provided by law to secure
487 entry. Upon acquisition of an Inspection Warrant, or other remedy provided by law to
488 secure entry, no owner or occupant or any other person having charge, care or control of any
489 building, structure or premises, shall fail or neglect, after proper request is made as herein

provided, to promptly permit entry therein by the Building Official or designee for the purpose of inspection and examination pursuant to the construction codes.

(g) *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 for the period required by state law for retention of public records.

(h) *Approved materials, equipment, appliances and devices.* Materials, equipment, appliances and devices approved by the Building Official shall be constructed and installed in accordance with such approval. 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 approved by the Building Official.

(i) *Areas prone to flooding.* The Building Official shall not grant modifications to any provisions related to areas prone to flooding as established by the flood insurance rate map, as may hereinafter be amended, without the granting of a variance to such provisions by the Construction Board of Appeals.

(j) *Alternative materials, designs, methods of construction, equipment and appliances.* The provisions of this Chapter are not intended to prevent the installation of any materials or to prohibit any designs, methods of construction, equipment or appliances not specifically prescribed by this Chapter, provided that any such alternatives have been approved by the Building Official in writing. Alternative materials, designs, methods of construction, equipment or appliances shall be approved in writing where the Building Official finds that the proposed design is satisfactory and complies with the intent and purpose of the provisions of this Chapter, and the material, methods of 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.

(k) *Required testing.* 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 city. Such tests shall be paid for by the person seeking to rely on such alternative materials or methods.

(l) *Test methods.* 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.

(m) *Testing agency.* All tests shall be performed by an agency approved by the Building Official.

(n) *Test reports.* The Building Official shall retain reports of tests for the period required for retention of public records.

(o) The Building Official shall be authorized to cause charges to be brought for violations of this Chapter against any person found to be installing, or known to have installed, electrical, plumbing, mechanical, gas or other facilities that require a person to have a State of Georgia license in order to undertake such installation, without being a valid holder of said license.

Sec. 7-62. - Stop work order.

(a) *Authority.* Whenever the Building Official finds any work regulated by this Chapter being performed in a manner contrary to the provisions of this Chapter or the construction codes or in a dangerous or unsafe manner, the Building Official and /or the Community Development Director is authorized to issue a stop work order.

(b) *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. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

(c) *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 correct a violation or an unsafe condition, or removes a lawfully placed stop work order, shall be subject to issuance of a court citation to appear in the municipal court of the city and upon conviction shall be subject to a fine and/or imprisonment in accordance with this Code. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

Sec. 7-63. - Unsafe conditions.

(a) *Conditions.* Structures or existing equipment that are or hereafter become unsafe, uninhabitable, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, shall be deemed an unsafe condition. Structures that are deemed an unsafe condition shall be taken down and removed or made safe, as the building official deems necessary unless the notice of an unsafe condition is appealed to the Board of Construction Appeals in accordance with the requirements set forth in this Chapter.

(b) *Notice.* If an unsafe condition is found, the Building Official or designee shall serve on the owner, agent or person in control of the building, structure or system found to be unsafe, 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 structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official written acceptance or rejection of the terms of the notice.

(c) *Method of service.* Such notice shall be deemed properly served if a copy thereof is delivered to the owner personally or sent by certified or registered mail addressed to the owner at the owner's 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 on or about the building or 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 building or structure shall constitute service of notice upon the owner.

(d) *Restoration.* The building, structure, system or equipment determined to be unsafe by the Building Official is permitted to be restored to a safe condition. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the building, structure, system or equipment, such repairs, alterations or additions or change of occupancy shall comply with the requirements of this Chapter.

Sec. 7-64. - Violations, remedies and penalties.

(a) *Unlawful acts.* It is unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, system or equipment regulated by this Chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this Chapter or other applicable provisions of this Code.

(b) *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, removing, demolition, or occupancy of a building or structure, system or equipment in violation of the provisions of this Chapter, or in violation of a permit or Certificate of Occupancy under the provisions of this Chapter. Such notice or order shall direct the discontinuance or correction of the illegal action or condition and the abatement of the violation.

(c) *Penalties.* Any person failing to discontinue, correct or abate the violation of this Chapter as ordered by the Building Official in the notice shall be subject to issuance of a court citation to appear in the municipal court of the city to answer charges of violations of this Chapter and upon conviction shall be subject to a fine and/or imprisonment in accordance with this Code. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

Secs. 7-65—7-86. - Reserved.

DIVISION 2. - CONSTRUCTION BOARD OF APPEALS

Sec. 7-87. - Membership; variances, terms of office; decision-making powers.

(a) *Appointment.* There is established a Construction Board of Appeals (Board), which shall consist of five members, appointed by the mayor and subject to confirmation by city council.

(b) *Qualifications of members.* All members of the Board shall be residents of the city. All members of the Board shall have experience in the building industry. The members of the Board shall have applicable experience in drainage and structural issues in residential-home-design or construction, heating ventilation and air conditioning, electrical installations and

plumbing. Members of the Board shall hold no other city office, appointed position within the city or any other city compensated position.

(c) *Filling board vacancies generally.* Any vacancy on the Board shall be filled in accordance with the original appointing procedure for the vacant position. Any newly appointed member shall serve for the remainder of the unexpired term.

(d) *Initial terms of members.* The five Board members who are appointed by virtue hereof shall hold initial terms of office which shall be staggered as follows: Two initial Board members shall be designated to serve a term of two years and three initial Board members shall be designated to serve a term of four years. After expiration of any term thereafter, each Board member shall serve a term of four years.

(e) *Terms of Board members.* Terms of each Board member shall absolutely expire on December 31 of the Board member's term, regardless whether a successor has been appointed to the Board member's position.

(f) *Successive terms.* Members of the Board may be reappointed to successive terms, but in no event shall a member be permitted to serve more than eight consecutive years.

(g) *Organization, officers and rules.* The Board shall elect a chair, vice-chair and secretary. The persons so elected shall serve in these capacities for a term of one year. No person may serve in any of these capacities for more than three consecutive years. The vice-chair will preside at the meetings of the Board in the chair's absence. The Board shall determine its procedural rules and regulations, and otherwise take such action as is appropriate for the management of the affairs committed to its supervision. The Board's rules and regulations shall be consistent with this Chapter and necessary to carry out the provisions of this Chapter.

- 627 (h) *Quorum*. Three members of the Board shall constitute a quorum at any meeting and a vote
628 of three voting members shall be required to enable the Board to act.
- 629 (i) *Meeting accommodations and staff support*. The city shall provide the Board with suitable
630 office space, meeting accommodations and clerical support, as the city shall deem
631 appropriate and necessary.
- 632 (j) *Compensation for Board members*. The Board members shall be volunteers and shall not be
633 compensated, except that the city may reimburse the Board members for necessary expenses
634 incurred by the Board members in the performances of their official duties.
- 635 (k) *Removal at will*. The mayor and city council shall have authority to remove any member of
636 the Construction Board of Appeals, at will, without cause.
- 637 (l) *Powers and duties*. The Board shall have the following powers:
- 638 (1) To hear appeals of decisions and interpretations of the Building Official;
- 639 (2) To hear appeals of the Building Official's decision related to the use of alternative
640 materials, designs, methods of construction, equipment and appliances;
- 641 (3) To hear appeals of the Building Official's decision related to unsafe conditions as
642 regulated in section 7-63;
- 643 ~~(4) To hear and grant variances from the provisions of Division 3 of this Article.~~
- 644 (m) *Application forms; filing of applications; application fees*. Applications for appeals and
645 variances shall be filed on forms provided by the city and shall not be considered authorized
646 or accepted unless complete in all respects, including the payment of any application fees.
647 Application fees shall be established by the city council.
- 648 (n) *Appeals of the Building Official's decisions*.

- 649 (1) Notice of appeal of a decision by the Building Official to the Board shall be in writing
650 and filed with the director within 30 calendar days after the Building Official's decision
651 is rendered. Appeals shall be on a form provided by the director.
- 652 (2) An appeal shall be sustained only upon an express written finding by the Board that the
653 Building Official's action was based on an erroneous finding of a material fact, or that
654 the Building Official acted in an arbitrary manner. In exercising its powers, the Board
655 may reverse or affirm, wholly or partly, or may modify the order, requirement, decision
656 or determination appealed from, and to that end shall have all the powers of the
657 Building Official from whom the appeal was taken and may issue or direct the issuance
658 of a permit, provided all requirements imposed by all applicable laws are met. The
659 Board may also remand any appeal for the receipt of additional information.
- 660 (3) In the case of a building, structure or service system which, in the opinion of the
661 Building Official, constitutes an unsafe condition as that term is used in section 7-63,
662 the Building Official may, in the decision or order, limit the time for the filing of such
663 appeals to not less than two days and the director may request expedited review by the
664 Board of the appeal.
- 665 (4) If the Building Official's decisions results in a revocation or denial of the issuance of
666 any permit or certificate authorized by this Chapter, the affected applicant or permittee
667 may request, and shall be allowed, to meet with the director within two business days
668 after the initial issuance of such order or decision. At such meeting the affected
669 applicant or permittee shall be allowed to present any evidence or testimony to the
670 director that the applicant deems appropriate. If such a meeting is not requested or the
671 director does not alter the decision to revoke or deny the issuance of any permit or

certificate, then the director's decision becomes final. During the pendency of any subsequent appeal to the Board, the notice of appeal shall not stay enforcement of the director's decision and the applicant or permittee may not take any action, perform any act or occupy any structure that contradicts the director's revocation or denial decision in this regard.

(o) ~~Variance~~

(1) ~~The owner of a building, structure or service system, or duly authorized representative, may file a request to the Board to vary any provision of the technical codes in accordance with the provisions of this section on forms promulgated by the city or the director.~~

(2) ~~In granting a variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a variance shall be deemed a violation of this Code.~~

(3) ~~No variance may be granted unless such variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Chapter. No variance shall be granted by the Board to:~~

- ~~a. Allow any variance which conflicts with or changes any requirement established as a condition by the city council;~~
- ~~b. Reduce, waive or modify in any manner any minimum standards set forth in the adopted codes, as amended; and~~
- ~~c. Reduce, waive or modify any environmental protection measures such as tree protection and/or soil erosion and sedimentation control.~~

694 (4) ~~The Board shall grant variances from the provisions or requirements of this Chapter~~

695 ~~only upon making written findings of the following:~~

696 a. ~~The strict application of the requirements of this Chapter would deprive the~~

697 ~~building, structure or service system owner of rights and privileges enjoyed by~~

698 ~~other building, structure or service system owners within the city;~~

699 b. ~~The requested variance does not go beyond the minimum necessary to afford relief,~~

700 ~~and does not constitute a grant of special privilege inconsistent with the limitations~~

701 ~~upon other building, structure or service system property owners within the city;~~

702 c. ~~The grant of the variance will not be materially detrimental to the public welfare or~~

703 ~~injurious to the property or any improvements;~~

704 d. ~~The liberal interpretation and strict application of the applicable provisions or~~

705 ~~requirements of this Chapter would cause undue and unnecessary hardship;~~

706 e. ~~The method or material requested is at least as protective as the method or materials~~

707 ~~required by this Chapter; and~~

708 f. ~~The applicant has supplied the city with an independent study or analysis by a~~

709 ~~registered design professional that shows that the method or material meets or~~

710 ~~exceeds the methods or materials required by this Code.~~

711 (p) *Procedures of the Board.*

712 (1) *Hearings open to public.* All hearings of the Board shall be open to the public and the

713 agenda shall be made available at least two business days prior to the meeting of the

714 Board. Matters not placed on the agenda in compliance with this section shall not be

715 heard by the Board, except for appeals involving a structure or service system that, in

716 the opinion of the director, is unsafe, unsanitary or uninhabitable. The Board shall meet

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at least once a year and whenever an action is requested before the board, though not more often than every 30 days.

(2) *Decisions.* The Board shall, in every case of an appeal of a decision or interpretation of the director or a variance request, reach a final decision within 30 calendar days from the date of the final hearing. Each decision of the Board shall be in writing and shall include the basis for the decision. Every decision shall be promptly file-stamped in the office of the development department and shall be available for public inspection. A copy of the decision shall be delivered by mail at the address in the notice of appeal or application for variance to the person who filed the appeal or request for a variance.

(q) *Appeals from decisions of the Construction Board of Appeals.*

(1) *Method of appeal.* Any person aggrieved by a final decision of the Board may seek review of such decision by petitioning the superior court of the county for a writ of certiorari in accordance with state law.

(2) *Notice to Board.* In any such petition, the Board shall be designated the respondent in certiorari and the city, along with any other party required by law to be named, shall be named as the defendants in certiorari. The city clerk and the secretary of the Board shall be authorized to acknowledge service of a copy of the petition and writ for the Board as respondent. Service upon the city as defendant shall be as otherwise provided by state law.

Secs. 7-88—7-117. - Reserved.

DIVISION 3. - PERMITS, PLANS AND OTHER CONSTRUCTION DOCUMENTS

Sec. 7-118. - Permits.

740 (a) *Permit required.* A permit shall be obtained before beginning construction, erection,
741 alteration or repair to a building or structure, mechanical system, gas system, plumbing
742 system, electrical system, and energy conservation system, other than ordinary repairs.
743 Permits shall be obtained at least eight hours before beginning work. Permits for emergency
744 work shall be obtained within 24 hours after work is commenced.

745 (b) *Exception to permit required.* Ordinary repairs to a single-family residential building or
746 structure for which the wholesale cost does not exceed \$1,000.00 shall not be required to
747 obtain a permit.

748 (c) *Work commencing before permit issuance.* In addition to any other remedies provided by
749 law, any person, contractor or company commencing any work on a building or structure,
750 mechanical, gas, plumbing, or electrical system before obtaining the required permit shall be
751 subject to a penalty of 100 percent of the usual permit fee in addition to the required permit
752 fee as well as a Stop Work Order.

753 (d) *Work exempt from permit.* Exemptions from the permit requirements of this section shall not
754 be deemed to grant authorization for any work to be done in any manner in violation of the
755 provisions of this Chapter or any other laws or ordinances of the city. Permits shall not be
756 required for the following:

757 (1) *Building.*

- 758 a. Fences not over eight feet (2440 mm) high.
- 759 b. Retaining walls which are not over four feet (1219 mm) in height measured from
760 the bottom of the footing to the top of the wall, unless supporting a surcharge or
761 impounding Class I, II or III-A liquids.

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- c. 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 two to one.
- d. Painting, papering, tiling, carpeting, cabinets, counter tops, if plumbing is not affected, and similar finish work for which the wholesale cost does not exceed \$3,000.00, where there has been no change in occupant or occupancy.
- e. Temporary motion picture, television and theater stage sets and scenery.
- f. Prefabricated swimming pools that are less than 24 inches (610 mm) deep and are installed entirely above ground.
- g. Swings and other playground equipment accessory to one- and two-family dwellings.
- h. Window awnings supported by an exterior wall.
- i. Movable cases, counters and partitions not over five feet nine inches (1753 mm) in height.
- (2) *Electrical.*
- a. *Repairs and maintenance.* Ordinary repairs, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- b. *Radio and television transmitting stations.* Electrical equipment used for radio and television transmissions, but permits are required for equipment and wiring for power supply, the installation of towers and antennas.
- c. *Temporary testing systems.* The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(3) *Gas.*

- a. Portable heating appliances.
- b. Replacement of any minor component of equipment that does not alter approval of equipment or make such equipment unsafe.

(4) *Mechanical.*

- a. Portable heating appliances.
- b. Portable ventilation equipment.
- c. Portable cooling unit.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Chapter.
- e. Replacement of any part which does not alter its 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 new material, such work shall be considered new work and a permit shall be obtained and inspection made as provided in this Chapter.
- b. The clearing of stoppages or the repairing of leaks in pipe, 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.

- 808 (e) *Application for permit.* To obtain a permit, the applicant shall first file an application
809 therefor in writing on a form furnished by the development department for that purpose.
810 Such application shall:
- 811 (1) Identify and describe the work to be covered by the permit for which application is
812 made.
 - 813 (2) Describe the land on which the proposed work is to be done by street address, legal
814 description or similar description that will readily identify and definitely locate the
815 proposed building or structure or work.
 - 816 (3) Indicate the use and occupancy for which the proposed work is intended.
 - 817 (4) Be accompanied by construction plans and documents and any other information that
818 the Building Official may require to ascertain whether the proposed building meets the
819 requirements of this Chapter.
 - 820 (5) State the valuation of the proposed work.
 - 821 (6) Contain the full names, addresses and telephone numbers of the applicant/contractor
822 and the property owner and shall be signed by the applicant/contractor and the property
823 owner.
 - 824 (7) The Building Official may require any additional information to be provided so that an
825 understanding of all work to be performed can be ascertained from the permit
826 application.
- 827 (f) *Action on application.*
- 828 (1) The Building Official shall examine or cause to be examined all applications for
829 permits and amendments thereto within a reasonable time after filing but no later
830 than 60 calendar days after the filing of a complete application in conformity with

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this section. If the application or the construction plans or documents do not conform to the requirements of this Chapter, 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 Chapter, the Building Official shall issue a permit therefor as soon as practicable.

- (2) Special Foundation Permit. When application for permit to erect or enlarge a building has been filed, and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work would be granted nor that corrections will not be required in order to meet the provisions of the construction codes.

- (3) Public Right of Way. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application with the Director of Public Works or otherwise properly designated right-of-way controlling authority for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the Building Official to see that the street lines are not encroached upon.

Commented [ND1]: I believe that DEKALB should be handling this since we currently do not maintain the right of ways

- 853 (g) *Time limitation of application.* An application for a permit for any proposed work shall be
854 deemed to have been abandoned 180 days after the date of filing, unless a permit has been
855 issued. The building official is authorized to grant up to three written extensions of time for
856 additional periods not exceeding 90 days each before such application is declared
857 abandoned. The extension shall be requested in writing and justifiable cause demonstrated.
- 858 (h) *Validity of permit.* The issuance or granting of a permit shall not be construed to be a permit
859 for, or an approval of, any violation of any provisions of this Chapter, of any local, state or
860 federal law or any provision of this Code. Permits presuming to give authority to violate or
861 cancel the provisions of this Chapter or other provisions of this Code shall not be valid and
862 are void. The issuance of a permit based on construction plans and documents and other data
863 shall not prevent the building official from requiring the correction of errors in the
864 construction plans and documents and other data. The building official is also authorized to
865 prevent occupancy or use of a building or structure where there exists any violation of this
866 Chapter or of any other provisions of the Code, or where there exists a hazard to the health,
867 safety and welfare of the public or the occupants of the building or structure.
- 868 (i) *Expiration of permit.* Every permit issued shall become invalid and of no force and effect if
869 the work on the site authorized by such permit is not commenced within 180 days of the
870 issuance of the permit or if no city inspection has been performed within one year after its
871 issuance, or if the work authorized on the site by such permit has been commenced and has
872 been suspended or abandoned or no further city inspection has been performed for a period
873 of 180 days after the work has commenced. The building official is authorized to grant, in
874 writing, one written extension of the permit for a period of not more than 180 days. The
875 extension shall be requested in writing and justifiable cause demonstrated.

- 876 (j) *Suspension or revocation.* The Building Official is authorized to suspend or revoke a permit
877 issued under the provisions of this Chapter if the permit is issued in error or on the basis of
878 incorrect, inaccurate or incomplete information, or in violation of any applicable provision
879 of this Code.
- 880 (k) *Contractor change, reissuing of permit.*
- 881 (1) No permit shall be reissued on any work or job site for which a permit already exists
882 except after notification in writing from the owner of the change in contractor and that
883 the new contractor is authorized by the owner to re-permit the work. Re-issuance of a
884 permit shall make the new contractor responsible for the complete job or system and all
885 work or code deficiencies, if any, as built, erected or installed by the previous or former
886 contractor.
- 887 (2) The contractor who re-permits the work or job shall pay a re-permit fee in the amount
888 established by action of the city council.
- 889 (l) *Placement of building permit, inspections card, and construction plans.* The building permit
890 or copy, inspections card, and construction plans shall be kept on the site of the work until
891 completion of the work. The inspections card shall be posted within 36 to 48 inches above
892 grade facing the street or in a window of the structure under construction in a manner where
893 it is visible from the street and if outside, in a weatherproof cover. The construction plans
894 shall be kept on the construction site in a manner that they can be produced upon demand by
895 the Building Official.
- 896 (m) *Contractor Responsibilities.* It shall be the duty of every contractor who shall make
897 contracts for the installation or repairs of buildings, structures, electrical, gas, mechanical,
898 sprinkler or plumbing systems, for which a permit is required, to comply with state or local

rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the State of Georgia requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the City with their license number before receiving a permit for work to be performed.

(n) *Permit issued on basis of affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes. In the event such architect or engineer is not available, the owner shall employ in his place a competent person or agency whose qualifications are reviewed by the Building Official.

(o) *Plans.* When the Building Official issues a permit, he shall certify, in writing or by stamp, both sets of plans "reviewed for code compliance." One set of drawings so reviewed shall be retained by the Building Official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his authorized representative.

Sec. 7-119. - Construction plans and documents.

(a) *Submittal of plans and documents.*

- 921 (1) Construction plans and documents, special inspection and structural observation
922 programs, and other data shall be submitted in one or more sets with each application
923 for a permit. The construction plans and documents shall be prepared by a registered
924 design professional. When the building official is unable to make a determination as to
925 the grant or denial of a permit based upon the plans submitted with a permit application,
926 the Building Official is authorized to require additional construction plans and
927 documents to be prepared by the applicant or a registered design professional.
- 928 (2) The Building Official is authorized to waive in writing the submission of construction
929 plans and documents and other data required to be prepared by a registered design
930 professional if it is found that the nature of the work applied for is such that reviewing
931 of construction plans and documents is not necessary to obtain compliance with this
932 Chapter. In addition, construction plans and documents for single-family residential
933 construction do not have to be prepared by a registered design professional unless
934 required by the Building Official in writing.
- 935 (b) *Information on construction plans and documents.* Construction plans and documents shall
936 be dimensioned and drawn upon suitable material. Electronic media construction plans and
937 documents are permitted to be submitted when approved by the Building Official.
938 Construction plans and documents shall be of sufficient clarity to indicate the location,
939 nature and extent of the work proposed and show in detail that it will conform to the
940 provisions of this Code and all other applicable laws and regulations.
- 941 (c) *Fire protection system shop drawings.* Shop drawings for the fire protection systems shall be
942 submitted to indicate conformance with this Chapter and the construction plans and
943 documents and shall be approved by the Building Official prior to the start of system

944 installation. Shop drawings shall contain all information as required by the referenced
945 installation standards in Chapter 9 of the International Building Code.

946 (d) *Manufacturer's installation instructions for installation.* Manufacturer's installation
947 instructions, as required by the International Codes, shall be available on the job site at the
948 time of inspection.

949 (e) *Exterior wall envelope.* Construction plans and documents for all buildings shall describe
950 the exterior wall envelope in sufficient detail to determine compliance with this Chapter.
951 The construction plans and documents shall provide details of the exterior wall envelope as
952 required, including flashing, intersections with dissimilar materials, corners, end details,
953 control joints, intersections at roof, eaves, or parapets, means of drainage, water resistive
954 membrane, and details around openings. The construction plans and documents shall
955 include manufacturing installation instructions that provide supporting documentation that
956 the proposed penetration and opening details described in the construction plans and
957 documents maintain the weather resistance of the exterior wall envelope. The supporting
958 documentation shall fully describe the exterior wall system that was tested, where
959 applicable, as well as the test procedure used.

960 (f) *Means of Egress.* The construction documents shall show in sufficient detail the location,
961 construction, size and character of all portions of the means of egress including the path of
962 the exit discharge to the public way in compliance with the provisions of this Code. In other
963 than multifamily residential occupancies, the construction documents shall designate the
964 number of occupants to be accommodated on every floor, and in all rooms and spaces.

965 (g) *Site plan.* The construction plans and documents submitted with the application for a
966 building permit shall be accompanied by a site plan approved by the development

department showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show the construction to be demolished and the location and size of existing structures and construction that are to remain on the site or lot. The Building Official is authorized to waive or modify in writing the requirement for a site plan when application for permit is for alteration or repair or when otherwise warranted.

(h) *Examination of construction plans and documents.*

- (1) The Building Official shall examine or cause to be examined the accompanying construction plans and documents and shall ascertain by such examination whether the proposed construction indicated and described is in compliance with the requirements of this Chapter and other pertinent provisions of this Code.
- (2) *Affidavits.* The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the construction codes. For buildings and structures the affidavit shall state that the plans conform to the laws as to egress, type of construction, and general arrangement and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of the construction codes as to strength, stresses, strains, loads, and stability. The building official may, without any examination or inspection, accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official, copies

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of inspection reports as inspections are performed, and, upon completion of the structure, electrical, gas, mechanical, or plumbing systems, a certification that the structure, electrical, gas, mechanical, or plumbing system has been erected in accordance with the requirements of the construction codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the construction codes and other pertinent laws or ordinances.

(i) *Approval of construction plans and documents.* When a permit is issued, the construction plans and documents shall be approved, in writing or by stamp, as being in compliance with this Chapter. However, the approval of construction plans and documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction plans and documents and other data. One set of construction plans and 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.

(j) *Previous approvals.* The enactment of the ordinance from which this division is derived shall not require changes in the construction plans and documents, construction or designated occupancy of a structure for which a lawful permit has been issued prior to enactment of the ordinance from which this division is derived and the construction of which has been pursued and not abandoned within 180 days after the effective date of the ordinance from which this division is derived.

(k) *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 plans and

1013 documents for the whole building or structure have been submitted, provided that
1014 construction plans and documents and adequate information and detailed statements have
1015 been filed complying with pertinent requirements of this chapter. The holder of such permit
1016 for the foundation or other parts of a building or structure shall proceed at the holder's own
1017 risk with the approved part of the building construction operation and without any assurance
1018 that a permit for the entire structure will be granted in the future.

1019 (l) *Design professional in responsible charge.*

1020 (1) When it is required and requested by the Building Official that construction plans and
1021 documents be prepared by a registered design professional, the building official shall be
1022 authorized to require the owner to engage and designate on the building permit
1023 application a registered design professional who shall act as the registered design
1024 professional in responsible charge. If the circumstances require, the owner shall
1025 designate a substitute registered design professional in responsible charge who shall
1026 perform the duties required of the original registered design professional in responsible
1027 charge. The owner shall notify the Building Official in writing if the registered design
1028 professional in responsible charge is changed or is unable to continue to perform the
1029 duties required by this Code.

1030 (2) The registered design professional in responsible charge shall be responsible for
1031 reviewing and coordinating submittal plans and documents prepared by others,
1032 including phased and deferred submittal items, for compatibility with the design of the
1033 building.

- 1034 (m) *Deferred submittals.* For the purposes of this section, deferred submittals are defined as
1035 those portions of the design that are not submitted at the time of the application and that are
1036 to be submitted to the Building Official within a specified period.
- 1037 (1) Deferral of any submittal items shall require prior approval by the Building Official.
1038 The registered design professional in responsible charge shall list the deferred
1039 submittals on the construction plans and documents for review by the Building Official.
- 1040 (2) Submittal construction plans and documents for deferred submittal items shall be
1041 submitted to the registered design professional in responsible charge who shall review
1042 them and forward them to the Building Official with a notation indicating that the
1043 deferred submittal documents have been reviewed and that they have been found to be
1044 in general conformance with the design of the building. The deferred submittal items
1045 shall not be installed until their design and submittal plans and documents have been
1046 approved by the Building Official in writing.
- 1047 (n) *Amended construction plans and documents.* Work shall be installed in accordance with the
1048 reviewed construction plans and documents, and any changes made during construction that
1049 are not in compliance with the approved construction plans and documents shall be
1050 resubmitted by the holder of the building permit for approval as an amended set of
1051 construction plans and documents.
- 1052 (o) *Retention of construction plans and documents.* One set of approved construction plans and
1053 documents shall be retained by the Building Official for a period of not less than 180 days
1054 from date of completion of the permitted work or as required by state or local laws.
- 1055 (p) *Structural and Fire Resistance Integrity.* Plans for all buildings shall indicate how required
1056 structural and fire resistance integrity will be maintained where a penetration of a required

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1057 fire resistance-rated wall, floor, or partition will be made for electrical, gas, mechanical,
1058 plumbing, signal and communication conduits, pipes, and systems and also indicate in
1059 sufficient detail how the fire integrity will be maintained where required fire resistance-rated
1060 floors intersect the exterior walls.

1061 (q) *Hazardous occupancies.* The building official may require the following:

1062 (1) *General site plan.* A general site plan drawn at a legible scale which shall include,
1063 but not be limited to, the location of all buildings, exterior storage facilities,
1064 permanent access ways, evacuation routes, parking lots, internal roads, chemical
1065 loading areas, equipment cleaning areas, storm and sanitary sewer accesses,
1066 emergency equipment, and adjacent property uses. The exterior storage areas shall
1067 be identified with the hazard classes and the maximum quantities per hazard class
1068 of hazardous materials stored.

1069 (2) *Building floor plan.* A building floor plan drawn to a legible scale, which shall
1070 include, but not be limited to, all hazardous materials storage facilities within the
1071 building and shall indicate rooms, doorways, corridors, exits, fire-rated
1072 assemblies with their hourly rating, location of liquid tight rooms, and evacuation
1073 routes. Each hazardous materials storage facility shall be identified on the plan
1074 with the hazard classes and quantity range per hazard class or the hazardous
1075 materials stored.

1076 **Sec. 7-120. - Permit fees; revocation.**

1077 (a) *Payment of fees.* A permit shall not be valid until the fees prescribed by the city council have
1078 been paid. No amendment to a permit shall be released to the applicant until the additional
1079 permit fee, if any, has been paid.

- 1080 (b) *Schedule of permit fees.* Permit fees for buildings, structures, mechanical, gas, plumbing and
1081 electrical systems shall be determined by the city council. The schedule of fees approved by
1082 the city council shall be maintained by the city clerk and the director shall also retain a copy
1083 available for public inspection.
- 1084 (c) *Related fees.* The payment of the fee for the construction, alteration, removal or demolition
1085 for work done in connection with or concurrently with the work authorized by a building
1086 permit shall not relieve the applicant or holder of the permit from the payment of other fees
1087 that are prescribed by law.
- 1088 (d) *Refunds.* The city council is authorized to adopt a written refund policy that applies to the
1089 refund of permit fees authorized by this Chapter.
- 1090 (e) *Work commencing before permit issuance.* Any person who commences any work on a
1091 building, structure, electrical, gas, mechanical, or plumbing, etc., system before obtaining
1092 the necessary permits, shall be subject to a penalty of 100 percent of the usual permit fee in
1093 addition to the required permit fees.
- 1094 (f) *Accounting.* The Building Official shall keep a permanent and accurate accounting of all
1095 permit fees and other money collected, the names of all persons upon whose account the
1096 same was paid, along with the date and amount thereof.
- 1097 (g) *Valuations.* Building permit valuations will be based on current ICC building valuations for
1098 the size and type of construction unless otherwise stated within the fee schedule adopted by
1099 resolution of the mayor and council.
- 1100 (h) *Revocation of certificates.* A certificate of occupancy, certificate of completion and/or
1101 certificate of change of tenant issued pursuant to any provision of this Chapter shall be
1102 suspended or revoked by the director, and considered void, if:

- 1103 (1) The application for a certificate of occupancy contains false or misleading information,
1104 or if the applicant omitted material facts in the application;
- 1105 (2) Changes or alterations in the type of permitted use or occupancy occur without approval
1106 required by this Code;
- 1107 (3) Changes or violations of the conditions of the certificate occur without approval
1108 required by this Code;
- 1109 (4) Alterations, additions or improvements to the building, structure or systems occur
1110 without approval or without obtaining all necessary permits required by this Code;
- 1111 (5) The premises covered by the certificate are found to be in violation of any applicable
1112 provision of this Code, state or federal law or codes;
- 1113 (6) The establishment is a threat or nuisance to public health, safety or welfare.
- 1114 (i) No certificate of occupancy, certificate of completion and/or certificate of change of tenant
1115 shall be issued pursuant to any provision of this Chapter to any applicant, business or legally
1116 or organizationally related entity if within 12 months immediately preceding the filing of
1117 any application under this Chapter the same applicant, business or legally or
1118 organizationally related entity requesting a certificate has been denied a certificate or had a
1119 certificate revoked for any location based in whole or in part upon having furnished
1120 fraudulent or untruthful information in any application or having omitted any material facts
1121 in any application.

1122 **Sec. 7-121. - Demolition permits.**

- 1123 (a) A demolition site plan shall be submitted as part of the permit application package. The
1124 demolition site plan shall depict the trees, structures, and impervious surfaces to be
1125 removed; location and size of all trees greater than six inches DBH; construction exits; tree-

1126 save areas; and best management practices for erosion control. Additionally, no demolition
1127 permit for a single-family detached residence shall be issued in a residential zoning district
1128 unless the applicant includes the original threshold elevation, if any, measured and certified
1129 by a licensed surveyor or engineer.

1130 (b) Only dead, diseased, or hazardous trees, as determined by a certified arborist, may be
1131 removed pursuant to a demolition permit.

1132 (c) An excavation site plan shall be submitted as part of the demolition permit application
1133 package when the purpose of the excavation is to locate current sewer lines in conjunction
1134 with an application for a variance from the front-door threshold elevation pursuant to this
1135 Code. The excavation site plan shall depict the boundaries of areas to be excavated,
1136 locations of storage areas for excavated materials, the location of structures and impervious
1137 surfaces, the location and size of all trees greater than six inches DBH in the footprint of the
1138 planned excavation, tree-save areas and best management practices for erosion control.

1139 **Sec. 7-122. - Temporary structures and uses.**

1140 (a) *Generally.* The Building Official is authorized to issue a permit for temporary structures and
1141 temporary uses. Such permits shall be limited as to time of service, but shall not be
1142 permitted for more than 180 days. The Building Official is authorized to grant one written
1143 extension of 90 days. The request for extension shall be in writing and shall specify the
1144 justifiable cause.

1145 (b) *Conformance.* Temporary structures and uses shall conform to the structural strength, fire
1146 safety, means of egress, accessibility, light, ventilation and sanitary requirements of this
1147 Chapter as necessary to ensure the public health, safety and general welfare.

1148 (c) *Temporary power.* The Building Official is authorized to give permission to temporarily
1149 supply and use power in part of an electric installation before such installation has been fully
1150 completed and the final certificate of completion or occupancy has been issued. The part
1151 covered by the temporary certificate shall comply with the requirements specified for
1152 temporary lighting, heat or power in the National Electrical Code, as adopted in Article II of
1153 this Chapter.

1154 (d) *Termination of approval.* The Building Official is authorized to terminate such permit for a
1155 temporary structure or use and to order the temporary structure or use to be discontinued for
1156 violation of the Code or applicable state or federal law.

1157 Secs. 7-123—7-142. - Reserved.

1158

1159 **DIVISION 4. - CERTIFICATE OF OCCUPANCY OR TENANCY**

1160 **Sec. 7-143. - Certificates of occupancy, tenancy.**

1161 (a) *Required.* No building or structure or portion thereof shall be occupied or a change made in
1162 the type of occupancy or the nature of the use of an existing building or part thereof until
1163 after an appropriate certificate as required by this section has been issued.

1164 (b) *Certificate of occupancy.*

1165 (1) *Issuance.* A certificate of occupancy shall not be issued by the Building Official until
1166 the building, structure and intended use complies with all applicable requirements of the
1167 zoning ordinance, all construction is complete and all required final building, plumbing,
1168 mechanical, gas, electric, fire, health, vegetation protection and site drainage
1169 inspections have been performed and approved.

- 1170 (2) *Scope.* The certificate of occupancy certifies that all final inspections have been
1171 completed and the structure has been erected, to the best of the inspector's knowledge,
1172 in compliance with applicable Code requirements at the time of the issuance of the
1173 certificate. However, issuance of a certificate of occupancy shall not excuse the builder,
1174 contractor, tenant, or property owner from liability for any violation of the Code or any
1175 other applicable laws. Occupancy shall be limited to the area or portion of a building or
1176 structure defined by the building permit for which the certificate of occupancy is issued.
- 1177 (c) *Temporary certificate of occupancy.*
- 1178 (1) *Scope.* A temporary certificate of occupancy may be issued for non-residential buildings
1179 or portions thereof, before the completion of the entire work covered by the permit, for
1180 a specified period of time when it has been determined by the Building Official or
1181 designee that no outstanding Code violations or deficiencies exist and the building may
1182 be safely occupied for the use and time requested. A request for a temporary certificate
1183 of occupancy shall be made on such form as prescribed by the Building Official.
- 1184 (2) *Issuance.* A temporary certificate of occupancy shall be issued for stated purposes only
1185 when construction has not been fully completed and all final inspections have not been
1186 performed for a set time period as determined by the Building Official.
- 1187 (3) *Revocation.* A temporary certificate of occupancy may be revoked, in writing, at the
1188 option of the Building Official for any and/or all of the following reasons:
- 1189 a. Violation of any building, plumbing, mechanical, electrical, fire safety or site
1190 development codes or regulations.
- 1191 b. Failure to complete any stage of construction and/or site improvements required by
1192 the Building Official in a timely manner.

- 1193 c. Unauthorized occupancy or use of any part or portion of the building or structure
1194 other than the area or portion for which a temporary certificate of occupancy has
1195 been granted.
- 1196 d. Incorrect information supplied by the permit holder.
- 1197 e. Any other conditions that may affect the health, safety and welfare of persons or
1198 property.
- 1199 (d) *Certificate of completion.* A certificate of completion shall be issued upon satisfactory
1200 completion of a building, structure, and/or plumbing, mechanical, gas or electrical system,
1201 when a certificate of occupancy is not required. The certificate of completion does not grant
1202 authority to occupy a building or structure or change the type of occupancy or nature of use
1203 prior to the issuance of a certificate of occupancy.
- 1204 (e) *Certificate of change of tenant.*
- 1205 (1) *Scope.* A certificate of change of tenant shall be required whenever there is a change of
1206 tenant occupancy in any non-residential building, structure or use and no construction,
1207 alterations, improvements or repairs to the building, structure, plumbing, mechanical,
1208 gas or electrical systems have been or are to be made. The new tenant or building owner
1209 shall be required to submit current as-built floor and fixture plans for review and
1210 complete a repair/improvement declaration. Upon approval and payment of a change of
1211 tenant fee and satisfactory inspection to determine compliance with the submitted and
1212 approved floor and fixture plan, repair/improvement declaration, and applicable
1213 sections of this Chapter, a certificate of change of tenant shall be issued.
- 1214 (2) *Permits required.* If the change of tenant involves any construction, alterations,
1215 improvements or repairs to the building, plumbing, mechanical, gas or electrical

- 1216 systems, all necessary permits required by this chapter shall be obtained by licensed
1217 qualified contractors and all necessary inspections shall be performed by the building
1218 official before a change of tenant, or if required, a new certificate of occupancy is
1219 issued.
- 1220 (f) *Contents of certificates.* Certificates shall contain the following:
- 1221 (1) The building permit number (or in the case of a certificate of completion, the
1222 appropriate trade permit number).
- 1223 (2) The address of the structure.
- 1224 (3) The name and address of the owner.
- 1225 (4) A description of that portion of the structure for which the certificate is issued.
- 1226 (5) A statement that the described portion of the structure has been inspected for
1227 compliance with the requirements of this Chapter.
- 1228 (6) The name of the Building Official.
- 1229 (7) The edition of the code under which the permit was issued.
- 1230 (8) If non-residential, the use and occupancy, in accordance with the provisions of chapter
1231 3 of the International Building Code.
- 1232 (9) If non-residential, the type of construction as defined in chapter 6 of the International
1233 Building Code.
- 1234 (10) If non-residential, the design occupant load.
- 1235 (11) If an automatic sprinkler is provided, whether the sprinkler system is required.
- 1236 (12) Any special stipulations and conditions of the building permit.
- 1237 (g) *Revocation of certificates.* The building official or designee may revoke certificates of
1238 occupancy, certificates of completion, and certificates of change of tenant issued under

1239 provisions of this Chapter, where it is shown that there have been either one or more of the
1240 following:

- 1241 (1) Changes or alterations in construction, type of permitted use or occupancy
1242 without written approval by the Building Official or designee.
1243 (2) Changes or violations of the conditions of the certificate without written approval
1244 by the Building Official or designee.
1245 (3) Alterations, additions, or improvements to the building, structure, or systems
1246 without permits and inspections required by this Chapter.
1247 (4) Violation of any zoning, building, plumbing, mechanical, electrical, fire safety or
1248 site development codes or regulations.
1249 (5) Any condition that may affect the building, structure or service system which, in
1250 the opinion of the director, renders the building, structure or service system
1251 unsafe, dangerous or uninhabitable.
1252 (6) After a certificate has been revoked, a valid certificate shall not be issued until all
1253 violations, changes, alterations, additions or improvements meet all requirements
1254 of this Chapter as determined by the Building Official.

1255 (h) *Posting Floor Loads.*

- 1256 (1) *Occupancy.* An existing or new building shall not be occupied for any purpose
1257 which will cause the floors thereof to be loaded beyond their safe capacity. The
1258 Building Official may permit occupancy of a building for mercantile, commercial
1259 or industrial purposes, by a specific business, when he is satisfied that such
1260 capacity will not thereby be exceeded.

(2) *Storage and Factory-industrial occupancies.* It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by a stamped and signed affidavit from the architect or engineer stating the safe, allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the building department.

(3) *Signs required.* In every building or part of a building used for storage, industrial, or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

Secs. 7-144—7-169.- Reserved.

DIVISION 5. - INSPECTIONS

Sec. 7-170. - Construction or work; approval and accessibility.

(a) *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 this Chapter or of other applicable provisions of the Code. Inspections presuming to give authority to violate or

- 1284 cancel the provisions of this Chapter or of other provisions of the Code shall not be valid. It
1285 shall be the duty of the permit applicant to cause the work to remain accessible and exposed
1286 for inspection purposes. Neither the Building Official nor the city shall be liable for any
1287 expense entailed in the removal or replacement of any material required to allow inspection.
- 1288 (b) *Preliminary inspection.* Before issuing a permit, the Building Official is authorized to
1289 examine, or cause to be examined, buildings, structures, systems and sites for which an
1290 application has been filed.
- 1291 (c) *Required inspections.* The Building Official, upon notification, shall make the inspections
1292 set forth as follows:
- 1293 (1) *Building.*
- 1294 a. *Foundation and slab inspection.* To be made after trenches are excavated, forms are
1295 erected, and reinforcement is installed but before concrete is put in place. The
1296 appropriate silt and erosion control measures must be in place and functional.
- 1297 b. *Damproofing inspection.* To be made prior to backfill of crawl space or basement
1298 foundation walls.
- 1299 c. *Pre-cladding/sheathing inspection.* To be made after the roof, wall bracing, are
1300 installed and prior to placement of exterior cladding. Rough inspections on trades
1301 need not be complete for pre-cladding inspection.
- 1302 d. *Roof felt and sheathing inspection.* To be performed after roof felt is installed and
1303 prior to covering exterior wall sheathing with felt paper, house wrap or siding as
1304 follows: For existing homes having the roof replaced, the inspection shall consist
1305 of: Valley flashing consisting of either:

1. Metal flashing at least 24 inches wide having no less than 12 inches on either side of the valley;
2. Self-sealing flashing shall be installed at least 36 inches wide having no less than 18 inches on either side of the valley; or
3. Roll roofing shall be installed at least 36 inches wide having no less than 18 inches on either side of the valley.

e. *Frame (rough) inspection.* To be made after wiring, piping, chimneys, duct and vents to be concealed are in place and all fire blocking is in place this inspection occurs before any insulation or wall coverings are installed.

f. *Final inspection.* To be made after the building or structure is completed in compliance with this Code prior to issuance of the certificate of occupancy.

(2) *Electrical.*

a. *Underground and slab inspection.* To be made after trenches or ditches are excavated, forms are erected, conduit or cable are installed, and before any backfill or concrete is put in place.

b. *Rough-in inspection.* To be made after the roof, framing, fire blocking, bracing, and wiring are in place and prior to the installation of insulation and wall and ceiling membranes.

c. *Temporary Power Inspection.* Temporary approval for connection to the utility can be granted prior to completion. The temporary connection is only valid for a period not to exceed 90 days.

- 1327 d. *Final inspection.* To be made after the building or structure is complete, all
1328 required electrical outlets, switches and fixtures are in place and properly connected
1329 or protected, and the building or structure is ready for occupancy.
- 1330 (3) *Plumbing.*
- 1331 a. *Underground and slab inspection.* To be made after trenches or ditches are
1332 excavated, forms are erected, piping installed and before any backfill or concrete is
1333 put in place. The appropriate silt and erosion control measures must be in place and
1334 functional.
- 1335 b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing
1336 are in place and all water, soil, waste and vent piping is complete and prior to the
1337 installation of wall and ceiling membranes.
- 1338 c. *Final inspection.* To be made after the building is complete, and all plumbing
1339 fixtures and appliances are in place and properly connected, and the structure is
1340 ready for occupancy.
- 1341 d. *Testing.* Plumbing work and systems shall be tested as required in section 312 of
1342 the International Plumbing Code. Tests shall be made by the permit holder and
1343 observed by the Building Official.
- 1344 (4) *Mechanical.*
- 1345 a. *Underground and slab inspection.* To be made after trenches or ditches are
1346 excavated, forms are erected, underground duct and fuel piping is installed and
1347 before any backfill and concrete is put in place.

- 1348 b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing
1349 are in place and all duct and fuel piping to be concealed are complete and prior to
1350 the installation of wall and ceiling membranes.
- 1351 c. No mechanical equipment or ductwork is allowed to be installed in any building
1352 that is not adequately sealed from the weather. Any ductwork or equipment
1353 contaminated by stormwater must be replaced to prevent a potential mold issue or
1354 health hazard, as recommended by the DCA Mold Task Force.
- 1355 d. *Final inspection.* To be made after the building is complete, the mechanical system
1356 and appliances are in place and properly connected and the structure is ready for
1357 occupancy.
- 1358 (5) *Gas.*
- 1359 a. *Rough-in inspection.* To be made after all piping authorized by the permit has been
1360 installed and before any such piping has been covered and concealed or any
1361 fixtures or appliances have been connected.
- 1362 b. *Final piping inspection.* To be made after all piping authorized by the permit has
1363 been installed, after all portions which are to be covered or concealed by wall and
1364 ceiling membranes, plastering, stone or brickwork have been so concealed, and
1365 before any fixtures or gas appliances have been connected. Log lighters shall be
1366 permitted separately and inspected.
- 1367 c. *Testing.* This inspection shall include a gas pressure test.
- 1368 d. *Final inspection.* To be made on all new gas work authorized by the permit and
1369 such portions of existing systems as may be affected by the new work or any
1370 changes, to ensure compliance with the requirements of this chapter and to assure

that the installation and construction of the gas system is in accordance with reviewed plans.

(6) *Energy.*

a. *Insulation inspection.* To be made after all rough inspections are complete and approved and before exterior wall insulation is concealed by wall board to check installation of the exterior insulation envelope and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.

b. *Final inspection.* To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances. Verification of compliance with all state amendments for the energy code in regards to sealing and compliance certificates where applicable and properly posted.

(d) *Residential floodplain inspections.* For construction permitted in areas prone to flooding as established by table R301.2(1) of the International Residential Building Code, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of a certification of the elevation of the lowest floor, including basement, prepared by a registered professional engineer or land surveyor, as required in section R327 of the International Residential Building Code.

(e) *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

(f) *Other inspections.* In addition to any other inspections, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the

1394 provisions of this Chapter and other applicable provisions of the code that are enforced by
1395 the city.

1396 (g) *Residential fire-resistance-rated construction inspections.* Where fire-resistance-rated
1397 construction is required between dwelling units or due to the location on the property, the
1398 Building Official shall require an inspection of such construction after all lathing and/or
1399 wallboard is in place, but before any plaster is applied, or before wallboard joints and
1400 fasteners are taped and finished.

1401 (h) *Inspection agencies.* The Building Official is authorized to request and accept reports of
1402 approved inspection agencies, provided such agencies satisfy the requirements of this
1403 Chapter.

1404 (i) *Pre-qualified alternate registered engineer inspections.*

1405 (1) When it is evident that the city cannot provide an inspection service of construction
1406 covered by this Chapter within two business days of receiving a valid written request
1407 for an inspection, then, in lieu of an inspection by inspections personnel employed by
1408 the city, any person, firm, or corporation engaged in a construction project which
1409 requires an inspection, shall have the option of retaining, at their own expense, a pre-
1410 qualified alternate registered professional engineer who holds a certificate of
1411 registration issued under chapter 15 of title 43 of the Official Code of Georgia
1412 Annotated, and who is not an employee or otherwise affiliated with or financially
1413 interested in such person, firm, or corporation, to provide the required inspection. Pre-
1414 qualified alternate registered professional engineers shall conduct inspections in
1415 accordance with all applicable provisions of this Code and state law, including, but not
1416 limited to, O.C.G.A. § 8-2-26, as amended.

- 1417 (2) The city shall provide for the pre-qualification of alternate registered engineers who
1418 may perform inspections pursuant to this section. A pre-qualified alternate registered
1419 engineer inspector who personally makes the inspection, shall hold, in addition to the
1420 certificate registration required under chapter 15 International Code Council/ICC of title
1421 43 of the Official Code of Georgia Annotated, a certification that matches his area of
1422 expertise. Pre-qualified alternate registered engineers may provide inspections in their
1423 scope of expertise providing they hold the aforementioned certifications that match their
1424 expertise. In lieu of personally holding an International Code Council certification, a
1425 registered engineer may employ technicians who hold the required appropriate
1426 International Code Council certifications to actually make the inspections. These
1427 employees shall also be pre-qualified by the city. Inspection reports submitted to the
1428 city shall contain both the certified technician's signature and the signature and seal of
1429 the pre-qualified alternate registered engineer and their dates of certification.
- 1430 (3) Pre-qualified alternate registered engineer inspections and reports shall be accepted only
1431 from persons or firms who have been pre-qualified by the Building Official. The
1432 requirements, procedures, application forms and report forms shall be as required by the
1433 Building Official.
- 1434 (j) *Inspections requests.* It shall be the duty of the holder of the permit or their duly authorized
1435 agent to notify the building official when work is ready for inspection. It shall be the duty of
1436 the permit holder to provide safe access to and a safe means for inspection of such work for
1437 any inspections that are required by this Chapter.
- 1438 (k) *Approval required.* Work shall not be done beyond the point indicated in each successive
1439 inspection without first obtaining the approval of the Building Official. The Building

1440 Official, upon notification, shall make the requested inspections and shall either indicate the
1441 portion of the construction that is satisfactory as completed or shall notify the permit holder
1442 or an agent of the permit holder wherein the same fails to comply with this Code. Any
1443 portions that do not comply shall be corrected and such portion shall not be covered or
1444 concealed until authorized by the Building Official.

1445 (l) *Re-inspection fee.* Re-inspection fees shall be required in accordance with the fee schedule
1446 as adopted by the city council when work performed is required to be re-inspected due to the
1447 following reasons:

- 1448 (1) The re-inspection is not approved due to a failure to correct a previously noted code
1449 violation on a prior inspection;
- 1450 (2) The job is not ready for inspection when an inspection is requested and performed;
- 1451 (3) The building or structure is not accessible and inspection cannot be performed;
- 1452 (4) Work to be inspected has been covered or concealed and proper inspection cannot be
1453 performed; or
- 1454 (5) Prior issuance of a stop work order requires re-inspection.

1455 (m) *Right-of-entry.* Inspections required under the provisions of this Chapter shall be made by
1456 the Building Official or designee. Upon presentation of proper credentials, the Building
1457 Official or designee may enter the premises between 8:00 a.m. and 7:00 p.m. to perform any
1458 duty imposed by this Chapter, provided that the building official or designee has consent to
1459 enter the premises or has obtained and presents an inspection warrant as described in this
1460 Chapter.

1461 (n) *Manufacturers and Fabricators.* When deemed necessary by the Building Official, he shall
1462 make, or cause to be made, an inspection of materials or assemblies at the point of

1463 manufacture or fabrication. A record shall be made of every such examination and
1464 inspection and of all violations of the construction codes.

1465 (o) *Inspections prior to issuance of certificate of occupancy or completion.* The Building
1466 Official shall inspect, or cause to be inspected, at various intervals all construction or work
1467 for which a permit is required, and a final inspection shall be made of every building,
1468 structure, electrical, gas, mechanical or plumbing system upon completion, prior to issuance
1469 of the certificate of occupancy or completion.

1470 (p) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or
1471 his agent posts the permit card in a conspicuous place on the premises. The permit shall be
1472 protected from the weather and located in such position as to permit the Building Official or
1473 representative to conveniently make required entries thereon. This permit card shall be
1474 maintained in such position by the permit holder until the certificate of occupancy or
1475 completion is issued by the Building Official.

1476 **Sec. 7-171. - Inspection warrants.**

1477 (a) The Building Official, in addition to other procedures provided by law, may obtain an
1478 inspection warrant under the conditions specified in this section. The warrant shall authorize
1479 the Building Official to conduct a search or inspection of property without the consent of the
1480 person whose property is to be searched or inspected, under the conditions set out in this
1481 section.

1482 (b) Inspection warrants may be issued by any judge of the municipal court when the issuing
1483 judge is satisfied that all of the following conditions are met:

1484 (1) The person seeking the warrant must establish under oath or affirmation that the
1485 property to be inspected is to be inspected as a part of a legally authorized program of

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- 1486 inspection which includes that property, or that there is probable cause for believing that
1487 there is a condition, object, activity, or circumstance which legally justifies such an
1488 inspection of that property;
- 1489 (2) The issuing judge determines that the issuance of the warrant is authorized by this
1490 division and all other applicable law;
- 1491 (3) The warrant is attached to the affidavit required to be made in order to obtain the
1492 warrant;
- 1493 (4) The warrant describes, either directly or by reference to the affidavit, the property upon
1494 which the inspection is to occur and is sufficiently accurate that the executor of the
1495 warrant and the owner or possessor of the property can reasonably determine from it the
1496 property for which the warrant authorizes a search or inspection;
- 1497 (5) The warrant indicates the conditions, objects, activities, or circumstances which the
1498 search or inspection is intended to check or reveal; and
- 1499 (6) The warrant refers, in general terms, to the provisions of the Code or state law sought to
1500 be enforced.

1501 **Secs. 7-172—7-195. - Reserved.**

1502

1503 **DIVISION 6. - ADDITIONAL RESTRICTIONS REGARDING CONSTRUCTION**

1504 **Sec. 7-196. - Requirements for construction.**

- 1505 (a) A permit application for a building permit shall include a site plan. The site plan shall
1506 delineate the proposed grading for the entire site, the stormwater control measures proposed
1507 to protect adjacent properties, erosion control, water quality measures, and include a tree
1508 survey and a tree protection plan.

1509 (b) An applicant shall also indicate on the site plan the location of the following construction-
1510 related items:

1511 (1) Dumpsters or other onsite disposal equipment;

1512 (2) Portable toilets;

1513 (3) Onsite parking for construction vehicles;

1514 (4) Construction material staging and storage; and

1515 (5) Borrow or stockpile areas.

1516 (c) Construction activity and deliveries shall be limited to:

Monday—Friday	7:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.

1517
1518 There shall be no construction activity or deliveries on Sundays, New Year's Day,
1519 Thanksgiving Day, Christmas Day, Memorial Day, July 4th or Labor Day unless such
1520 activity arises from an emergency which puts the site or neighboring property owners and
1521 their property at risk of harm or loss.

1522 (d) Dumpsters or any onsite waste disposal equipment may not be located on the street. If
1523 adequate traffic controls can be implemented, the director or designee may approve the
1524 placement of dumpsters and onsite waste disposal equipment on a street so long as the street
1525 has a paved width greater than 24 feet.

1526 (e) Portable toilets shall be located off of the right-of-way and at least 15 feet from any side
1527 property line.

1528 (f) Wherever possible, temporary parking shall be provided onsite and not on the street.

- 1529 (g) The distance between a retaining wall and the side property line on all single-family
1530 detached residential lots shall be equal to at least half of the distance between the side
1531 property line and the required setback line. Unless a variance is obtained pursuant to the
1532 provisions of the zoning ordinance, newly constructed retaining walls shall not be higher
1533 than four feet. However, existing retaining walls may be repaired and replaced so long as the
1534 height of the repaired or replaced wall does not increase in height over the original height of
1535 the wall.
- 1536 (h) Existing drainage patterns located along property lines shall not be adversely affected by
1537 construction of a building or any associated site work.
- 1538 (i) The applicant for construction on any lot shall be responsible for ensuring that all existing
1539 sewer services and taps from the buildings to the street shall be inspected and verified to be
1540 in proper condition prior to connection.
- 1541 **Sec. 7-197. - Utility service connections.**
- 1542 (a) *Connection of service utilities.* No person shall make connections from a utility, source of
1543 energy, fuel or power to any building or system that is regulated by this Chapter for which a
1544 permit is required, until approved by the Building Official.
- 1545 (b) *Permanent electrical service connection.* Permanent electrical service connection and meter
1546 shall not be authorized until all required final building, plumbing, mechanical, gas,
1547 electrical, drainage, vegetation, fire and health inspections have been performed and
1548 approved by the appropriate city or state department or official, as applicable.
- 1549 (c) *Permanent gas service connection.* Permanent gas service connection and meter shall not be
1550 authorized until the gas supply house line has been tested, inspected and approved and all
1551 appliance and equipment connections have been inspected and approved.

- 1552 (d) *Temporary electrical and gas service connections.* Temporary electrical and gas service and
1553 meter connections may be authorized for a specified period of time when the system has
1554 been inspected and found to be safe for the connections and use authorized. Such temporary
1555 service connections shall be authorized only for the following reasons:
- 1556 (1) Testing of appliances and equipment.
- 1557 (2) To provide heat during the winter months to prevent freeze damage to water systems
1558 and equipment and including, but not limited to, installation of wallpaper or painting.
- 1559 (3) Temporary occupancy of the building or structure only for the training of employees or
1560 stocking of merchandise.
- 1561 (4) Single-tenant occupancy buildings and multi-tenant occupancy buildings for which
1562 temporary service connections have been authorized shall not be allowed access by the
1563 general public for business activity other than those allowed in subsections (1), (2), and
1564 (3) of this section.
- 1565 (5) Application for temporary service connections and meters shall be made on such forms
1566 as prescribed by the director.
- 1567 (e) *Authority to disconnect utility services.* The Building Official shall have the authority to
1568 authorize disconnection of utility service to the building, structure or system regulated by
1569 this Chapter in case of an emergency, where necessary, to eliminate an immediate danger to
1570 life or property or when such temporary connection has been made without the approval
1571 required by this section. The Building Official shall notify the serving utility, and where
1572 possible, the owner and occupant of the building, structure or service system shall be
1573 notified of the decision to disconnect utility service prior to taking such action. If not

1574 notified prior to disconnecting, the owner or occupant of the building, structure or service
1575 system shall be notified in writing, as soon as practical thereafter.

1576 (f) *Connection after order to disconnect.* No person shall make connections from any energy,
1577 fuel, power supply or water distribution system or supply energy, fuel or water to any
1578 equipment regulated by this Chapter that has been disconnected or ordered to be
1579 disconnected by the Building Official or the use of which has been ordered to be
1580 discontinued by the Building Official until the Building Official authorizes the reconnection
1581 and use of such equipment.

1582 Secs. 7-198 – 7-210. Reserved.

1583 **ARTICLE IV. TRENCHING**

1584 **Sec. 7-211. Definitions.**

1585 The following words, terms and phrases, when used in this Article, shall have the
1586 meanings ascribed to them in this section, except when the context clearly indicates a different
1587 meaning:

1588 *Excavation* means any manmade cavity or depression in the earth's surface, including its
1589 sides, walls or faces, formed by earth removal and producing unsupported earth conditions as
1590 results of the excavation. If installed forms or similar structures reduce the depth to width
1591 relationship, an excavation may become a trench.

1592 *OSHA* means the U.S. Department of Labor, Occupational Safety and Health
1593 Administration, or successor agency.

1594 *Supervisory Personnel* means any person who has the responsibility for layout, oversight,
1595 superintending, directing or controlling an excavation or trench.

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1596 *Trench* means a narrow excavation made below the surface of the ground. In general, the depth
1597 is greater than the width, but the width of the trench is not greater than 15 feet.

1598 **Sec. 7-212. Prohibition.**

1599 No individual, partnership, corporation, or other entity of any kind whatsoever shall
1600 engage in any excavation or trenching except in the compliance with the provisions of this
1601 Article and in compliance with applicable laws of the State of Georgia or the United States or
1602 any rules and regulations of the U.S. Department of Labor, Occupational Safety and Health
1603 Administration, or any other state or federal governmental entity or department promulgating
1604 rules and regulations applicable to excavating and trenching.

1605 **Sec. 7-213. Adoption of Federal Regulations.**

1606 All safety and health regulations adopted by OSHA in regards to excavating and
1607 trenching operations, particularly Part 1926, subpart P-Excavations, Trenching, and Shoring,
1608 sections 1926.650, 1926.651, 1926.652 and 1926.653 of the Code of Federal Regulations (29
1609 CFR 650, et. seq.), as the same now exist or may be hereafter amended are adopted as a part of
1610 this Article the same as if quoted verbatim herein.

1611 **Sec. 7-214. Certificate Required.**

1612 (a) No equipment operator or supervisory personnel shall participate in any excavation or
1613 trenching or in any way work in an excavation or trench unless such person holds a valid
1614 certificate evidencing satisfactory completion of a required educational program on safe
1615 trench/excavation practices. No other person shall participate in or work in any
1616 excavation or trenching site unless a certificate holder is present at the excavation or
1617 trench site where work is being performed.

1618 (b) In the event any person who holds a valid certificate from the City is found to be in
1619 violation of the safety standards or requirements on any job site, the certificate may be
1620 revoked after notice and hearing as herein provided. In the event of revocation, the
1621 certificate may be reissued one time upon repeat by the person of the educational
1622 program required for issuance of the initial certificate.

1623 **Sec. 7-215. Permit Required.**

1624 (a) No excavation or trenching shall be performed until a permit or authorization for same
1625 has been obtained from the city. Any applicant will be required to acknowledge receipt
1626 and understanding of safety requirements before any permit will be issued. All such
1627 permits shall be conspicuously posted upon the job site.

1628 (b) No permit or authorization shall be issued unless an authorized agent of the applicant
1629 holds a certificate.

1630 **Sec. 7-216. Inspection.**

1631 The city shall periodically inspect trench/excavation sites. Such inspectors shall, among
1632 other things, verify the presence of the required permit, verify existence of required certificates
1633 and verify compliance to OSHA safety standards herein adopted. The inspectors may operate
1634 pursuant to a contract between the city and a third party entity.

1635 **Sec. 7-217. Violations.**

1636 Violations of this Article shall be punished as provided in this Code.

1637 **Sec. 7-218. Appeals.**

1638 An individual, partnership, corporation or other entity whose permit has been suspended
1639 or revoked may appeal in a manner consistent with this Chapter.

1640 **Sec. 7-219 – Sec. 7-230. Reserved.**

ARTICLE V: UNSAFE BUILDINGS

Sec. 7-231. Finding of Existence of Nuisances.

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

1664 inimical to the welfare of the residents of the City; or vacant, dilapidated dwellings,
1665 buildings, or structures in which drug crimes are being committed, and private property
1666 exists, constituting an endangerment to the public health or safety as a result of
1667 unsanitary or unsafe conditions to those persons residing or working in the vicinity of the
1668 property.

1669 (c) It is the intention of the governing authority that this Article shall comply with and does
1670 comply with O.C.G.A. § 41-2-9(b) as a finding that conditions as set out in O.C.G.A. §
1671 41-2-7 exist within the City.

1672 **Sec. 7-232. Continued Use of other Laws and Ordinances.**

1673 It is the intent of the Mayor and City Council that nothing in this Article shall be
1674 construed to abrogate or impair the powers of the courts or of any department of the City to
1675 enforce any provisions of any local enabling act, charter, or ordinance or regulation nor to
1676 prevent or punish violations thereof; and the powers conferred by this Article shall be in addition
1677 to and supplemental to the powers conferred by any other law or ordinance, legislation, or
1678 regulation.

1679 **Sec. 7-233. Definitions**

1680 The following words, terms and phrases, when used in this Article, shall have the
1681 meanings ascribed to them in this Section, except where the context clearly indicates a different
1682 meaning:

1683 *Applicable codes* means:

1684 (1) Any optional housing or abatement standard provided in O.C.G.A. § 8-2-1 et seq.
1685 as adopted by ordinance or operation of law, or general nuisance law, relative to
1686 the safe use of real property;

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1687 (2) Any fire or life safety code as provided for in O.C.G.A. § 25-2-1 et seq.; and

1688 (3) Any minimum standard codes provided in O.C.G.A. § 8-2-1 et seq., provided that
1689 such building or minimum standard codes for real property improvements shall be
1690 deemed to mean those building or minimum standard codes in existence at the
1691 time such real property improvements were constructed unless otherwise provided
1692 by law.

1693 Closing means causing a dwelling, building, or structure to be vacated and secured
1694 against unauthorized entry.

1695 Drug crime means an act which is a violation of O.C.G.A. § 16-13-20 et seq., known as
1696 the Georgia Controlled Substances Act.

1697 Dwellings, buildings, or structures means any building or structure or part thereof used
1698 and occupied for human habitation or commercial, industrial, or business uses, or intended to be
1699 so used, and includes any outhouses, improvements, and appurtenances belonging thereto or
1700 usually enjoyed therewith and also includes any building or structure of any design. The term
1701 "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure
1702 located on a farm, or any agricultural facility or other building or structure used for the
1703 production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or
1704 other farm products.

1705 Governing authority means the Mayor and Council of the City of Stonecrest, Georgia.

1706 Municipality means any incorporated city within the State of Georgia.

1707 Owner means the holder of the title in fee simple and every mortgagee of record.

1708 Parties in interest means:

1709 (1) Persons in possession of said property and premises:

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(2) Persons having of record in the County in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the public health hazard or general nuisance exists based upon a 50-year title examination conducted in accordance with the title standards of the State Bar of Georgia;

(3) Persons having paid an occupational tax to the Governing Authority for a location or office at the subject building or structure; or

(4) Persons having filed a property tax return with the Governing Authority as to the subject property, building, or structure.

Public authority means any member of a Governing Authority, any housing authority office, or any office who is in charge of any department or branch of the government of the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or municipality.

Public officer means the officer or officers who are authorized by O.C.G.A. §§ 41-2-7, 41-2-8 and 41-2-9 through 41-2-17 and by this Article adopted under O.C.G.A. §§ 41-2-7, 41-2-8, and 41-2-9 through 41-2-17 to exercise the powers prescribed by this Article or any agent of such officer or officers.

Repair means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

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Resident means any person residing in the jurisdiction where the property is located on or
after the date on which the alleged nuisance arose.

Sec. 7-234. Duties of Owners; Appointment of Public Officer; Procedures for Having
Premises Declared Unsafe or Unhealthful

(a) It is the duty of the owner of every dwelling, building, structure, or property within the
City to construct and maintain such dwelling, building, structure, or property in
conformance with applicable codes in force within the City, or such ordinances which
regulate and prohibit activities on property and which declare it to be a public nuisance to
construct or maintain any dwelling, building, structure or property in violation of such
codes or ordinances.

(b) The City Manager shall appoint or designate the City Code Enforcement Officer, City
Fire Marshal (if applicable), City Fire Chief (if applicable), City Police Chief, Building
Inspector, and their designees as public officers to exercise the powers prescribed by this
Article.

(c) Whenever a request is filed with the Public Officer by a Public Authority or by at least
five residents of the City charging that any dwelling, building, or structure is unfit for
human habitation or for commercial, industrial, or business use and not in compliance
with applicable codes; is vacant and being used in connection with the commission of
drug crimes; or constitutes an endangerment to the public health or safety as a result of
unsanitary or unsafe conditions, the Public Officer shall make an investigation or
inspection of the specific dwelling, building, structure, or property. If the Officer's
investigation or inspection identifies that any dwelling, building, structure, or property is
unfit for human habitation or for commercial, industrial, or business use and not in

1756 compliance with applicable codes; is vacant and being used in connection with the
1757 commission of drug crimes; or constitutes an endangerment to the public health or safety
1758 as a result of unsanitary or unsafe conditions, the Public Officer may issue a complaint in
1759 rem against the lot, tract, or parcel of real property on which such dwelling, building, or
1760 structure is situated or where such public health hazard or general nuisance exists and
1761 shall cause summons and a copy of the complaint to be served on the owner and parties
1762 in interest in such dwelling, building, or structure. The complaint shall identify the
1763 subject real property by appropriate street address and official tax map reference; identify
1764 the owner and the parties in interest; state with particularity the factual basis for the
1765 action; and contain a statement of the action sought by the Public Officer to abate the
1766 alleged nuisance. The summons shall notify the owner and parties in interest that a
1767 hearing will be held before the Stonecrest Municipal Court, at a date and time certain.
1768 Such hearing shall be held not less than 15 days nor more than 45 days after the filing of
1769 said complaint in court. The owner and parties in interest shall have the right to file an
1770 answer to the complaint and to appear in person or by attorney and offer testimony at the
1771 time and place fixed for hearing.

1772 (d) If, after such notice and hearing, the Court determines that the dwelling, building, or
1773 structure in question is unfit for human habitation or is unfit for its current commercial,
1774 industrial, or business use and not in compliance with applicable codes; is vacant and
1775 being used in connection with the commission of drug crimes; or constitutes an
1776 endangerment to the public health or safety as a result of unsanitary or unsafe conditions,
1777 the Court shall state in writing findings of fact in support of such determination and shall

1778 issue and cause to be served upon the owner and any parties in interest that have
1779 answered the complaint or appeared at the hearing, an order:

1780 (1) If the repair, alteration, or improvement of the said dwelling, building, or structure
1781 can be made at a reasonable cost in relation to the present value of the dwelling,
1782 building, or structure, requiring the owner, within the time specified in the order,
1783 to repair, alter, or improve such dwelling, building, or structure so as to bring it
1784 into full compliance with the applicable codes relevant to the cited violation and,
1785 if applicable, to secure the structure so that it cannot be used in connection with
1786 the commission of drug crimes; or

1787 (2) If the repair, alteration, or improvement of the said dwelling, building, or
1788 structure, in order to bring it into full compliance with applicable codes relevant
1789 to the cited violations, cannot be made at a reasonable cost in relation to the
1790 present value of the dwelling, building, or structure, requiring the owner, within
1791 the time specified in the order, to demolish and remove such dwelling, building,
1792 or structure and all debris from the property.

1793 For purposes of this Article, the court shall make its determination of reasonable cost in
1794 relation to the present value of the dwelling, building or structure without consideration
1795 of the value of the land on which the structure is situated; provided, however, that costs
1796 of the preparation necessary to repair, alter, or improve a structure may be considered.
1797 Income and financial status of the owner shall not be factor in the court's determination.
1798 The present value of the structure and the costs of repair, alteration, or improvement may
1799 be established by affidavits of real estate appraisers with a state appraiser classification as
1800 provided in O.C.G.A. title 41, chapter 39A, qualified building contractors, or qualified

1801 building inspectors without actual testimony presented. Costs of repair, alteration, or
1802 improvement of the structure shall be the cost necessary to bring the structure into
1803 compliance with the applicable codes relevant to the cited violations in force in the
1804 jurisdiction.

1805 (e) If the owner fails to comply with an order to repair or demolish the dwelling, building, or
1806 structure, the Public Officer may cause such dwelling, building, or structure, to be
1807 repaired, altered, improved, vacated and closed, or demolished. The Public Officer shall
1808 cause to be posted on the main entrance of the building, dwelling, or structure a placard
1809 with the following words:

1810 "This building is unfit for human habitation or commercial, industrial, or business use
1811 and does not comply with the applicable codes or has been ordered secured to prevent its
1812 use in connection with drug crimes or constitutes an endangerment to the public health or
1813 safety as a result of unsanitary or unsafe conditions. The use or occupation of this
1814 building is prohibited and unlawful."

1815 (f) If the Public Officer has the structure demolished, reasonable effort shall be made to
1816 salvage reusable materials for credit against the cost of demolition. The proceeds of any
1817 moneys received from the sale of salvaged materials shall be used or applied against the
1818 cost of the demolition and removal of the structure, and proper records shall be kept
1819 showing application of sales proceeds. Any such sale of salvaged materials may be made
1820 without the necessity of public advertisement and bid. The Public Officer and the City are
1821 relieved of any and all liability resulting from or occasioned by the sale of any such
1822 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 cost was incurred.

(h) Process for administering, collecting or waiving lien.

(1) The lien provided for in subsection (g) of this section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the office of the clerk of Superior Court in DeKalb County and shall relate back to the date of the filing of the lis pendens notice required under O.C.G.A. § 41-2-12(g). The Clerk of Superior Court shall record and index such certified copy of the order in the deed records of DeKalb County and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the Clerk of Superior Court, the public officer shall forward a copy of the order and a final statement of costs to the county tax commissioner. It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem tax, including specifically O.C.G.A. §§ 48-4-1—48-4-81; 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

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1846 apply. The tax commissioner shall remit the amount collected to the governing
1847 authority of the City. Thirty days after imposition of the lien, the unpaid lien
1848 amount shall bear interest and penalties in the same amount as applicable to
1849 interest and penalties on unpaid real property ad valorem taxes.

1850 (2) The tax commissioner shall collect and retain an amount equal to the cost of
1851 administering a lien authorized by O.C.G.A. § 41-2-7 et seq. unless such costs are
1852 waived by resolution of the County. Any such amount collected and retained for
1853 administration shall be deposited in the general fund of the County to pay the cost
1854 of administering the lien.

1855 (3) The City may waive and release any such lien imposed on property upon the
1856 owner of such property entering into a contract with the municipality agreeing to
1857 a timetable for rehabilitation of the real property of the dwelling, building, or
1858 structure on the property and demonstrating the financial means to accomplish
1859 such rehabilitation.

1860 (i) Where the abatement action does not commence in the Superior Court, review of a court
1861 order requiring the repair, alteration, improvement, or demolition of a dwelling, building,
1862 or structure shall be by direct appeal to the Superior Court under O.C.G.A. § 5-3-29.

1863 (j) The Public Officers designated herein may issue citations for violations of state minimum
1864 standard codes, optional building, fire, life safety, and other codes adopted by ordinance,
1865 and conditions creating a public health hazard or general nuisance, and may seek to
1866 enforce such citation in the Municipal Court prior to issuing a complaint in rem as
1867 provided in this Article.

(k) Nothing in this Article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 7-235. Determination by Public Officers that Dwellings, Buildings or Structures are Vacant and sample conditions of nuisances.

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

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

(b) The Public Officer may determine, under existing ordinances, that a dwelling, building or structure is vacant, dilapidated, and being used in connection with the commission of

1891 drug crimes based upon personal observation or report of a law enforcement agency and
1892 evidence of drug crimes being committed.

1893 **Sec. 7-236. Powers of Public Officers.**

1894 The Public Officers designated in this Article shall have the following powers:

1895 (1) To investigate the dwelling conditions in the City in order to determine which
1896 dwellings, buildings, or structures therein are unfit for human habitation or are
1897 unfit for current commercial, industrial, or business use or are vacant, dilapidated,
1898 and being used in connection with the commission of drug crimes;

1899 (2) To administer oaths and affirmations, to examine witnesses, and to receive
1900 evidence;

1901 (3) To enter upon premises for the purpose of making examinations; provided;
1902 however, that such entries shall be made in such manner as to cause the least
1903 possible inconvenience to the persons in possession;

1904 (4) To appoint and fix the duties of such officers, agents, and employees as he deems
1905 necessary to carry out the purposes of this Article; and

1906 (5) To delegate any of his functions and powers under the ordinance to such officers
1907 and agents as he may designate.

1908 **Sec. 7-237. Service of Complaints and Other Filings.**

1909 (a) Complaints issued by a Public Officer pursuant to this Article shall be served in the
1910 following manner:

1911 (1) At least 14 days prior to the date of the hearing, the Public Officer shall mail
1912 copies of the complaint by certified mail or statutory overnight delivery, return

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1913 receipt requested, to all interested parties whose identities and addresses are
1914 reasonably ascertainable.

1915 (2) Copies of the complaint shall also be mailed by first-class mail to the property
1916 address to the attention of the occupants of the property, if any, and shall be
1917 posted on the property within three business days of filing the complaint and at
1918 least 14 days prior to the date of the hearing.

1919 (3) For interested parties whose mailing address is unknown, a notice stating the date,
1920 time, and place of the hearing shall be published in the newspaper in which the
1921 sheriff's advertisements appear in DeKalb County once a week for two
1922 consecutive weeks prior to the hearing.

1923 (b) Orders and other filings made subsequent to service of the initial complaint shall be
1924 served in the manner provided above on any interested party who answers the complaint
1925 or appears at the hearing. Any interested party who fails to answer or appear at the
1926 hearing shall be deemed to have waived all further notice in the proceedings.

1927
1928 **Section 2: The provisions of this Ordinance shall become effective on January 1, 2018.**
1929 **All ordinance or resolutions in conflict herewith are hereby repealed.**

1930 **Section 3: The Mayor and City Council hereby direct and authorize the City Manager,**
1931 **City Clerk and/or the City Attorney to transmit a certified copy of this Ordinance to the**
1932 **State of Georgia Insurance Commissioner, along with any other required documents to**
1933 **effectuate the collection of these license fees and taxes, within 45 days after the effective**
1934 **date of this Ordinance, but in no event later than December 31, 2017.**

1935
1936 **SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.**

1937
1938 **Approved:**

1939
1940
1941 _____
1942 **Jason Lary, Sr., Mayor**

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As to form:

Thompson Kurrie, Jr., City Attorney

1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953

Attest:

Brenda James, City Clerk