

Appendix J

**International Building Code
Local Administration and Enforcement Provisions**

City of Valdosta Land Development Regulations

APPENDIX J

Local Administration and Enforcement Provisions of the International Building Code

ARTICLE ONE: DEFINITIONS

1.1 Definitions. When used in this Ordinance, the following capitalized terms shall have the following meanings unless the context clearly indicates otherwise:

BOARD: The Construction Board of Adjustments and Appeals established pursuant to Article Six.

CONSTRUCTION CODES: (i) the state minimum construction codes enumerated in O.C.G.A § 8-2-20(9)(B)9(i)(I) through (9)(B)(i)(VIII), as adopted, amended, and revised by the Georgia Department of Community Affairs, and (ii) such of the state minimum construction codes enumerated in O.C.G.A §8-2-20 (9)(B)9(I)(IX) through (9)(B)(i)(XIV) as adopted, amended and revised by the Georgia Department of Community Affairs and as have been further adopted by the Governing Authorities. Appendices to the Construction Codes shall not be considered to be included within the definition of Construction Codes and enforced hereunder except when: (1) any provision of an appendix is specifically referenced in the code text; (2) an appendix to a code is specifically included in an administrative ordinance adopted by the Governing Authorities; or (3) an appendix to a code is specifically adopted by the Georgia Department of Natural Resources with the approval of the Board of Community Affairs.

COMMUNITY DEVELOPMENT DIRECTOR: As used herein shall mean the director of the Department, who shall be the Building Official as that term may be used in International Building Codes adopted by the Governing Authorities.

DEPARTMENT: The Joint Department of Community Development established pursuant to the Intergovernmental Agreement.

GOVERNING AUTHORITIES: The City of Valdosta and Lowndes County, Georgia

HOUSING CODE: The Housing Board of Adjustments and Appeal established pursuant to Article 9.

INTERGOVERNMENTAL AGREEMENT: The Intergovernmental Agency Agreement (Community Development Department) dated July 1, 2000 between The City of Valdosta, Georgia and Lowndes County, Georgia and any amended, modified, restated or successor agreement thereto. In the event of any conflict between the terms of such Agreement and this Ordinance, the terms and provisions of this Ordinance shall control.

REPEAT OFFENDER: Someone who commits more than two (2) offenses in a 12-month period.

1.2 References. Unless the context clearly indicates otherwise, references in this Ordinance to an Article or Section shall mean the specified Article or Section of this Ordinance. Words of any gender or the neuter used in this Ordinance shall be deemed to include the other gender or the neuter and words in the singular shall be deemed to include the plural and the plural to include the singular when the context so requires.

City of Valdosta Land Development Regulations

ARTICLE TWO: PURPOSE AND SCOPE

2.1 Purpose. The purpose of this Ordinance is to provide for the administration and enforcement of the Construction Codes.

2.2 Code Remedial.

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

2.2.2 Quality Control. Quality control of materials and workmanship is not within the purview of the Construction Codes except as it relates to the purposes stated therein.

2.2.3 Permitting and Inspection. The inspection or permitting system of any building, system or plan, under the requirements of Construction Codes shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the members or officers of the Board, the Governing Authorities nor any of their respective employees shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. It shall be unlawful to commence construction of a building or structure requiring a permit without first obtaining a permit, as required herein.

2.3 Scope.

2.3.1 Applicability.

GENERAL. Where, in any specific case, different sections of the Construction Codes specify different materials methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

BUILDING. The provisions of the International Building Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, except in one and two family dwellings. Also included is the latest edition of the International Existing Building Code adopted by the Governing Authorities.

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

City of Valdosta Land Development Regulations

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

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

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

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

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

ENERGY. The provisions of the International Energy Conservation Code, as adopted and amended by the Georgia Department of Community Affairs, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment that will enable the effective use of energy in new building construction.

INTERNATIONAL RESIDENTIAL CODE. The provisions of the International Residential Code, as adopted and amended by the Georgia Department of Community Affairs shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every one or two family dwelling or any appurtenances connected or attached to such buildings or structures.

* Permissive Codes as Adopted by the Georgia Department of Community Affairs

INTERNATIONAL PROPERTY MAINTENANCE CODE. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from the occupancy of existing structures and premises, and for administration, enforcement and penalties.

INTERNATIONAL EXISTING BUILDING CODE. The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings.

City of Valdosta Land Development Regulations

2.3.2 Federal and State Authority. The provisions of the Construction Codes shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the Construction Codes or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

2.3.3 Referenced Standards. Standards referenced in the text of the Construction Codes shall be considered an integral part of the Construction Codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where construction code provisions conflict with a standard, the construction code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

2.3.4 Maintenance. All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the Construction Codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

2.4 Community Development Department. Pursuant to the Intergovernmental Agreement, the Governing Authorities have established the Department headed by the Community Development Director and have established the qualifications for the Community Development Director and other Code Enforcement personnel, which qualifications may be changed from time to time by a mutual amendment to the Intergovernmental Agreement.

2.4.1 Restrictions on Employees. No officer or employee of the City or the County assigned to the Department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work that is inconsistent with his duties or conflict with the interests of the Department.

2.4.2 Records. The Community Development Director shall keep, or cause to be kept, a record of the business of the Department. The records of the Department shall be open to public inspection pursuant to the provisions of the Georgia Open Records Act.

2.4.3 Liability. Any officer or employee, or member of the Board, charged with the enforcement of the Construction Codes, acting for the applicable Governing Authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of the Construction Codes shall be defended by the applicable Governing Authority until the final termination of the proceedings.

2.4.4 Reports. The Community Development Director shall submit annually a report covering the work of the Department during the preceding year. He may incorporate in said report a summary of the decisions of the Board during said year.

City of Valdosta Land Development Regulations

2.5 Existing Buildings.

2.5.1 General. The legal occupancy of any structure existing on the date of adoption of this ordinance shall be permitted to continue without change, except as applicable codes specifically relate to existing structures or as the Community Development Director deems necessary for the general safety and welfare of the occupants and the public.

2.5.2 Alterations. Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the Construction Codes provided that the alteration, repair or rehabilitation work conforms to the requirements of the Construction Codes for new construction. The Community Development Director shall determine the extent to which the existing system shall be made to conform to the requirements of the Construction Codes for new construction.

2.5.3 Change of Occupancy. If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the Construction Codes as required by the Community Development Director.

2.6 Special Historic Buildings. The provisions of the Construction Codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or either of the Governing Authorities as Historic Buildings when such buildings or structures are judged by the Community Development Director to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within fire districts.

ARTICLE THREE: POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DIRECTOR

3.1 General. The Community Development Director is hereby authorized and directed to enforce the provisions of the Construction Codes. The Community Development Director is further authorized to render interpretations of the Construction Codes that are consistent with the intent and purpose of the Construction Codes.

3.2 Right of Entry.

3.2.1 Whenever necessary to make an inspection to enforce any of the provisions of the Construction Codes, or whenever the Community Development Director has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Community Development Director may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Community Development Director by the Construction Codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Community Development Director shall have recourse to every remedy provided by law to secure entry.

City of Valdosta Land Development Regulations

3.2.2 When the Community Development Director shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Community Development Director for the purpose of inspection and examination pursuant to the Construction Codes.

3.3 Stop Work Orders. Upon notice from the Community Development Director, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the Construction Codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Community Development Director shall not be required to give a written notice prior to stopping the work.

3.4 Revocation of Permits.

3.4.1 Misrepresentation of Application. The Community Development Director may revoke a permit or approval, issued under the provisions of the Construction Codes, in the event there has been any false statement or misrepresentation of material fact in the application or plans on which the permit or approval was based.

3.4.2 Violation of Code Provisions. The Community Development Director may revoke a permit upon determination by the Community Development Director that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the Construction Codes.

3.5 Discontinuance of Service for Violations.

3.5.1 The Community Development Director may request the appropriate department head to withhold services, such as water, garbage collection, sewer services or any other service of similar nature rendered by the Governing Authority in which the property lies, from any property on which any structure, house or building is being erected or maintained in violation of the Construction Codes, or in violation of any other law or ordinance of the Governing Authority pertaining to health, safety or morals.

3.5.2 The Community Development Director shall notify the person in charge or in possession of such property, or the owner thereof, of the violations and shall fix a reasonable time for the correction of such violations. If the violations continue after the expiration of such given time, the Community Development Director is authorized to request the appropriate department head to disconnect the water and sewer lines and discontinue all services as long as such violations continue. Any person interfering with the Community Development Director or the agents or employees of the Governing Authority in disconnecting the waterline or in the performance of their duties shall be guilty of an offense under this Ordinance and punished as provided by Article Eight. In emergency situations that constitute an immediate hazard to life or property, advance notice to the person in charge or in possession of such property, or the owner thereof, shall not be required if impracticable, but such individual or entity shall be notified in writing as soon as practicable thereafter.

City of Valdosta Land Development Regulations

3.5.3 The Community Development Director may also request, in writing, all public utility corporations and cooperatives to discontinue or refuse services to a property located within the territorial limits of a Governing Authority and maintained in violation of the Governing Authority's laws or ordinances, and such public utility corporations and cooperatives, after the time fixed by the Community Development Director, shall not render any services to such property.

3.6 Unsafe Buildings or Systems. All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the International Property Maintenance Code.

3.7 Requirements Not Covered by Code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by the Construction Codes, shall be determined by the Community Development Director.

3.8 Alternate Materials and Methods. The provisions of the Construction Codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Community Development Director. The Community Development Director shall approve any such alternate, provided the Community Development Director finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the Construction Codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Community Development Director shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

ARTICLE FOUR: PERMITS

4.1 Permit Application.

4.1.1 When Required. Any owner authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the Construction Codes, or to cause any such work to be done, shall first make application to the Community Development Director and obtain the required permit for the work. A permit shall not be required for the following:

Building:

- 4.1.1.1 One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
- 4.1.1.2 Fences not over 6 feet (1829 mm) high and which do not require a permanent foundation.
- 4.1.1.3 Oil derricks.

City of Valdosta Land Development Regulations

- 4.1.1.4 Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
- 4.1.1.5 Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- 4.1.1.6 Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- 4.1.1.7 Temporary motion picture, television and theater stage sets and scenery.
- 4.1.1.8 Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19 000 L) and are installed entirely above ground.
- 4.1.1.9 Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- 4.1.1.10 Swings and other playground equipment accessory to one- and two-family dwellings.
- 4.1.1.11 Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies.
- 4.1.1.12 Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
- 4.1.1.13 Agricultural buildings, which shall include buildings designed for bona fide agricultural uses such as maintaining, housing or storing agricultural equipment, products or livestock but shall not include buildings designed for residential or recreational uses such as buildings with sleeping quarters, cooking facilities or living areas.

Electrical:

- 4.1.1.14 Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles;
- 4.1.1.15 Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio television transmissions, but does apply to equipment and wiring for power supply, the installations of towers and antennas.
- 4.1.1.16 Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

- 4.1.1.17 Any portable heating appliance;
- 4.1.1.18 Any replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

City of Valdosta Land Development Regulations

Mechanical:

- 4.1.1.19 Any portable heating appliance;
- 4.1.1.20 Any portable ventilation equipment;
- 4.1.1.21 Any portable cooling unit;
- 4.1.1.22 Any steam, hot or chilled water piping within any heating or cooling equipment regulated by the Construction Codes;
- 4.1.1.23 Replacements of any part which does not alter its approval or make it unsafe;
- 4.1.1.24 Any portable evaporative cooler;
- 4.1.1.25 Any self-contained refrigeration system containing 10 lb. (4.54 kg.) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

- 4.1.1.26 The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- 4.1.1.27 The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

4.1.2 Work Authorized. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

4.1.3 Amended Construction Documents. Work shall be installed in accordance with the approved construction documents. Any changes made during construction that are not in compliance with the approved construction documents, as determined by the Community Development Director, shall be resubmitted for approval as an amended set of construction documents.

4.1.4 Minor Repairs. Ordinary minor repairs may be made with the approval of the Community Development Director without a permit provided that such repairs shall not violate any of the provisions of the Construction Codes.

4.1.5 Information Required. Each application for a permit, with the required fee, shall be filed with the Community Development Director on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the

City of Valdosta Land Development Regulations

building or structure, and shall contain such other information as may be required by the Community Development Director

4.1.6 Time Limitations. An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the Community Development Director for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

4.2 Drawings and Specifications.

4.2.1 Requirements. When required by the Community Development Director, two or more copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall be prepared by a qualified design professional as defined in Section 4.2.3 and shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the Construction Codes. Such information shall be specific, and the Construction Codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

4.2.2 Additional Data. The Community Development Director may require details, computations, stress diagrams and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Community Development Director to be prepared by a design professional shall be affixed with the design professional's official seal.

4.2.3 Design Professional. The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

4.2.3.1 All Group A, E, and I occupancies.

4.2.3.2 Buildings and structures three stories or more in height.

4.2.3.3 Buildings and structures 5,000 square feet (465 m²) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person so registered.

EXCEPTION: Single family dwellings, regardless of size, shall require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required.

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

City of Valdosta Land Development Regulations

4.2.5 Site Drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Community Development Director may require a boundary line survey prepared by a qualified surveyor.

4.2.6 Hazardous Occupancies. The Community Development Director may require the following:

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

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

4.3 Examination of Documents.

4.3.1 Plan Review. The Community Development Director shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the Construction Codes and all other pertinent laws or ordinances.

4.3.2 Affidavits. The Community Development Director may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the Construction Codes. For buildings and structures the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of the Construction Codes as to strength, stresses, strains, loads and stability. The Community Development Director may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Community Development Director, copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas mechanical or plumbing system has been erected in accordance with the requirements of the Construction Codes. Where the Community Development Director relies upon 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.

4.4 Issuing Permits.

4.4.1 Action on Permits. The Community Development Director shall act upon an application for a permit without unreasonable or unnecessary delay. If the Community Development Director is satisfied that the work described in an application for a permit and the contract documents filed

City of Valdosta Land Development Regulations

therewith conform to the requirements of the Construction Codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.

4.4.2 Refusal to Issue Permit. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the Construction Codes or other pertinent laws or ordinances, the Community Development Director shall not issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

4.4.3 Special Foundation Permit. When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Community Development Director 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 will be granted or that corrections will not be required in order to meet provisions of the Construction Codes.

4.4.4 Public Right of Way. A permit shall not be given by the Community Development Director 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 at the office of the City Engineer 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 Community Development Director that the street lines are not encroached upon.

4.5 Contractor Responsibilities. It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical, 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 requires a contractor to have obtained a state license before he is permitted to perform work the contractor shall supply the local government with his license number before receiving a permit for work to be performed.

4.6 Conditions of the Permit.

4.6.1 Permit Intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the Construction Codes, nor shall issuance of a permit prevent the Community Development Director from thereafter requiring a correction of errors in plans, construction or violations of the Construction Codes. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced. One or more extensions of time for periods not more than 90 days each may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Community Development Director.

4.6.2 Permit Issued on Basis of an 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 Community Development Director are hazardous or complex, the Community Development Director shall require that the architect or engineer who signed the

City of Valdosta Land Development Regulations

affidavit or prepared the drawings or computations supervise such work. In addition, such architect or engineer 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 Community Development Director written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the Construction Codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Community Development Director.

4.6.3 Plans. When the Community Development Director issues a permit he shall emboss in writing or by stamp each set of plans "Reviewed for Code Compliance." One set of drawings so reviewed shall be retained by the Community Development Director 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 Community Development Director or his authorized representative.

4.6.4 Additional Requirements When Necessary. Building permits may be denied if the applicant cannot show all required approvals from other City/County departments, including but not limited to the following items:

- 4.6.4.1 A septic tank approval from the Health Department;
- 4.6.4.2 A water/sewer user agreement from the County Utility Department;
- 4.6.4.3 A driveway approval, if required from the Engineering Department;
- 4.6.4.4 Flood certificate from the Engineering Department;
- 4.6.4.5 Pre-application building permit from the City of Hahira;
- 4.6.4.6 Zoning approval.

4.7 Fees.

4.7.1 Prescribed Fees. A permit shall not be issued until the fees prescribed by the Governing Authority have been paid nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, etc. has been paid. Re-inspection fees may be charged if a re-inspection is required.

4.7.2 Accounting. The Community Development Director shall keep a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

4.7.3 Schedule of Permit Fees. On all buildings, structures, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application in accordance with the fee schedules as set by the Governing Authorities.

4.7.4 Building Permit Valuations. If in the opinion of the Community Development Director the valuation of building, alteration, structure, electrical, gas, mechanical, or plumbing systems appears to be underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the Community Development Director. Permit

City of Valdosta Land Development Regulations

valuations shall include total cost such as electrical, gas, mechanical, plumbing, equipment, and other systems including materials and labor.

4.8 Inspections

4.8.1 Existing Building Inspections. Before issuing a permit the Community Development Director may examine, or cause to be examined, any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical, and plumbing systems from time to time during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the Construction Codes.

4.8.2 Manufacturers and Fabricators. When deemed necessary by the Community Development Director he shall make, or cause to be made an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violation of the Construction Codes.

4.8.3 Inspection Service. The Community Development Director may make, or cause to be made, the inspections required by Section 4.8.6. He may accept reports of inspectors of recognized inspection services provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the Construction Codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

4.8.4 Inspections Prior to Issuance of a Certificate of Occupancy or Completion. The Community Development Director shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required and a final inspection shall be made of every building, structure, electrical, gas, mechanical, or plumbing system upon completion prior to the issuance of the Certificate of Occupancy or Completion.

4.8.5 Posting of Permit. Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Community Development Director or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the Community Development Director.

4.8.6 Required Inspections. After various portions of construction have been completed, as set forth below, the permit holder or his agent shall notify the Community Development Director, who shall make the following inspections and such other inspections as necessary and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the applicable Construction Code. Any permit holder or agent of a permit holder who fails to notify the Community Development Director as set forth above and fails to receive the required inspection before moving on to the next portion of construction may be guilty of a violation of this ordinance punishable in accordance with Article Eight herein. Each such person shall be considered guilty of a separate offense for each and every day that the permit holder continues to work after he/she has been originally issued a citation pursuant to this section.

City of Valdosta Land Development Regulations

BUILDING

- 4.8.6.1 Foundation Inspection: To be made after trenches are excavated and forms erected
- 4.8.6.2 Frame Inspection: To be made after the roof, all framing, fireblocking, and bracing are in place, all concealing wiring, all pipes, chimneys, ducts, and vents are complete.
- 4.8.6.3 Final Inspection: To be made after the building is completed and ready for occupancy.

ELECTRICAL

- 4.8.6.4 Underground Inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
- 4.8.6.5 Rough-In Inspection: To be made after the roof framing fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
- 4.8.6.6 Temporary Power (30-day temporary): To be made after the electrical service is made ready for the power to be turned on. At least one breaker and one receptacle protected by the breaker must be installed.
- 4.8.6.7 Final Inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected and the structure is ready for occupancy.

PLUMBING

- 4.8.6.8 Underground Inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
- 4.8.6.9 Rough-In Inspection: To be made after the roof framing, fireblocking, and bracing is in place and all soil waste and vent piping is complete, and prior to the installation of wall or ceiling membranes.
- 4.8.6.10 Final Inspection: To be made after the building is complete, all plumbing fixtures, are in place and properly connected, and the structure is ready for occupancy.
- 4.8.6.11 Note: See Section 312 of the Standard Plumbing Code for required tests.

MECHANICAL

- 4.8.6.12 Underground Inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any back fill is put in place.
- 4.8.6.13 Rough-In Inspection: To be made after the roof framing, fireblocking, and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
- 4.8.6.14 Final Inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.
- 4.8.6.15 Change out of equipment: Contractors must obtain a permit prior to the change out of mechanical equipment for heating, air conditioning, or ventilation. If in an

City of Valdosta Land Development Regulations

emergency situation, a contractor may obtain a permit on the next business day following the day of commencement of work. A inspection request must be submitted no later than 5 business days after the completion of work. Failure to obtain an inspection after this 5-day grace period will result in a penalty of 100% of the original permit fee. An extension of 30 days may be allowed by the Community Development Director. The request must be made in writing prior to the end of this 5-day grace period and a justifiable cause must be demonstrated.

GAS

- 4.8.6.16 Rough Piping Inspection: To be made after all new piping authorized by the permit has been installed and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
- 4.8.6.17 Final Piping Inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
- 4.8.6.18 Final Inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to ensure compliance with all the requirements of the Construction Codes and to ensure that the installation and construction of the gas system is in accordance with reviewed plans.

ENERGY

- 4.8.6.19 Foundation Inspection: To be made before slab concrete is poured in place and to verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.
 - 4.8.6.20 Frame Inspection: To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
 - 4.8.6.21 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 and to verify correct SEER ratings on appliances.
- 4.8.7 Written Release. Work shall not be done on any part of a building, structure, electrical, gas, mechanical, or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Community Development Director. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.
- 4.8.8 Reinforcing Steel, Structural Frames, Insulation, Plumbing, Mechanical, or Electrical Systems. Reinforcing steel, structural, frame insulation, or plumbing work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Community Development Director.

City of Valdosta Land Development Regulations

4.8.9 Plaster Fire Protection. In all buildings where plaster is used for fire protection purposes the permit holder or his agent shall notify the Community Development Director after all lathing and backing is in place. Plaster shall not be applied until the release from the Community Development Director has been received.

4.9 Certificates

4.9.1 Certificate of Occupancy.

4.9.1.1 Building Occupancy. A new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the Community Development Director has issued a Certificate of Occupancy (C.O.). Said Certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the Construction Codes and other applicable laws and ordinances and released by the Community Development Director.

4.9.1.2 Issuing Certificate of Occupancy. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems in accordance with the Construction Codes, reviewed plans and specifications, and after the final inspection, the Community Development Director shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the Construction Codes.

4.9.1.3 Temporary/Partial Certificate of Occupancy. A temporary/partial Certificate of Occupancy may be issued for a portion of a building which may safely be occupied prior to final completion of the building.

4.9.1.4 Existing Building Certificate of Occupancy. A Certificate of Occupancy for any existing building may be obtained by applying to the Community Development Director and supplying the information and data necessary to determine compliance with the Construction Codes for the occupancy intended. Where necessary in the opinion of the Community Development Director, two sets of detailed drawings or a general inspection or both may be required. When upon examination and inspection it is found that the building conforms to the provisions of the Construction Codes and other applicable laws and ordinances for such occupancy, a Certificate of Occupancy shall be issued.

4.9.2 Certificate of Completion. Upon satisfactory completion of a building, structure, electrical, gas, mechanical, or plumbing system, a Certificate of Completion may be issued. This Certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This Certificate does not grant authority to occupy or connect a building such as a shell building prior to the issuance of a Certificate of Occupancy.

4.9.3 Service Utilities.

4.9.3.1 Connection of Service Utilities. No person shall make connections from a utility, source of energy, fuel, or power to any building or system which is regulated by the

City of Valdosta Land Development Regulations

Construction Codes for which a permit is required, until released by the Community Development Director and a Certificate of Occupancy or Completion is issued.

- 4.9.3.2 Temporary Connection. The Community Development Director may authorize the temporary connection of the building or system to the utility source of energy, fuel, or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy

4.10 Posting Floor Loads.

4.10.1 Occupancy. An existing or new building shall not be occupied for any purpose that will cause the floors thereof to be loaded beyond their safe capacity. The Community Development Director may permit occupancy of a building for mercantile, commercial, or industrial purposes by a specific business when he is satisfied that such capacity will not thereby be exceeded.

4.10.2 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 an 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 Department.

4.10.3 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 Community Development Director 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.

ARTICLE FIVE: TESTS

The Community Development Director may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner or his agent by an approved testing laboratory or other approved agency.

ARTICLE SIX: CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

6.1 Creation. There is hereby established the Construction Board of Adjustment and Appeals (the "Board"), which shall consist of seven members plus two non-voting ex-officio members as provided herein, all of whom shall be residents of Lowndes County.

6.2 Method of Appointment and Terms.

6.2.1 The Lowndes County Board of Commissioners shall appoint three members, one of whom shall be from the plumbing industry, one of whom shall be a professional engineer and one of whom shall be from the mechanical construction industry. The Mayor and Council of the City of

City of Valdosta Land Development Regulations

Valdosta shall appoint three members, one of whom shall be a licensed architect, one of whom shall be a licensed electrician and one of whom shall be a licensed homebuilder. The final member shall be a licensed general contractor appointed by the Governing Authorities on an alternating basis with the initial appointment to be made by the Mayor and Council of the City of Valdosta. In addition, one elected official from each of the Governing Authorities shall be appointed as a non-voting ex-officio member.

6.2.2 The Board shall be composed of individuals with knowledge and experience of the construction codes as indicated above. An effort will be made by the Governing Authorities to obtain input from the various construction associations regarding appointments. With the exception of the non-voting ex-officio members who are elected officials of the Governing Authorities, none of the Board members shall hold any other public office of the City or County or be employees of the City or the County.

6.2.3 In making their initial appointments, the City and the County shall designate one of their appointees to serve a term to expire June 30, 2005, one to serve a term to expire June 30, 2004, and one to serve a term to expire June 30, 2003. The initial general contractor appointee shall serve a term to expire June 30, 2005.

6.2.4 Thereafter, each member shall be appointed to serve a term of three (3) years with the term of each member to expire June 30 of the applicable year.

6.2.5 All members shall serve at the pleasure of the authority appointing such member. Any member may be removed with or without cause by the authority appointing such member and a new member appointed to take his place for the remainder of the removed member's unexpired term.

6.2.6 In the event any member resigns from the Board, the Governing Authority which appointed him shall appoint a new member to take his place for the remainder of the resigning member's unexpired term.

6.2.7 The Board members shall receive no compensation for their service except that they shall be reimbursed for out of pocket expenditures made in connection with their duties.

6.3 Officers of the Board. A Chairman, Vice-Chairman, and Secretary shall be elected by the members at the first quarterly meeting of the Board. Thereafter, at the first quarterly meeting of each year a new Chairman, Vice-Chairman, and Secretary shall be elected by the members.

6.4 Regular Meetings. The Board shall hold, at a minimum, quarterly meetings, on a date and at a place and time specified by the Chairman.

6.5 Special Meetings. Special meetings may be called at any time by the Chairman, the Community Development Director or any two members of the Board. Reasonable advance notice of the place, time, and date thereof shall be given to all members of the Board. The time, date, and place of the meetings will be determined by the individual(s) calling such meeting.

6.6 Records. The Department shall provide secretarial services to the Board and shall make a detailed record of all proceedings which shall set forth the reasons for all decisions and the vote of each member participating therein, the absence of a member, and the failure of a vote. These records shall be submitted to the Board for their approval and kept on file in the Department as a public record.

City of Valdosta Land Development Regulations

6.7 Quorum and Vote Required of Board, Attendance. Four (4) members of the Board shall constitute a quorum, and the vote of a majority present shall be required to enable the Board to act. To encourage attendance if any member shall miss three (3) consecutive meetings, he shall automatically be deemed removed and a new member appointed to take his place for the remainder of the removed member's unexpired term.

6.8 Conflicts of Interest. If a Board member has any interest in any matter which may result in a gain or loss to that board member or to his immediate family by blood or by marriage, such member shall not participate in the consideration, discussion, questioning, and voting on that particular matter before the Board, nor shall the member take any action which may influence the vote of any other member. If the Chairman has a conflict of interest, the Vice-Chairman shall preside over the meeting during consideration of that particular matter.

6.9 Duties and Powers. The purpose of the Board shall be to:

6.9.1 Review and decide specific appeals made by individuals concerning the interpretation or administration of the Construction Codes;

6.9.2 Review and decide upon waiver requests; and

6.9.3 Advise the Governing Authorities, the Department, and any other affected department on issues and matters of concern as to procedures of the Board or interpretation or construction of the Construction Codes.

6.10 Appeals and Variances; Hearings.

6.10.1 Appeals.

6.10.1.1 The holder of a permit, owner of a building, structure, or service system or his duly authorized agent may appeal a decision of the Community Development Director to the Board regarding any of the following:

6.10.1.1.1 The rejection or refusal to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of the building structure or service system.

6.10.1.1.2 Whether or not the provisions of the Construction Codes apply to this specific case.

6.10.1.1.3 Whether or not an equally good or more desirable form of installation can be employed in any specific case.

6.10.1.1.4 Whether or not the true intent and meaning of the Construction Codes or any of the regulations thereunder have been misconstrued and incorrectly interpreted.

6.10.1.2 All appeals must be in writing and filed within twenty (20) days of the decision of the Community Development Director; provided, however, that in the case of a building, structure, or service system which, in the opinion of the Community Development Director is unsafe, unsanitary, dangerous and/or poses a fire hazard, the Community Development Director may, in his order, limit the time for such notice of appeal to a shorter period. The notice of appeal

City of Valdosta Land Development Regulations

shall be on such forms as may be approved by the Board from time to time and shall, at a minimum, contain the following information:

- 6.10.1.2.1 The nature of the complaint;
- 6.10.1.2.2 The code or ordinance section purported to be misinterpreted or misconstrued;
- 6.10.1.2.3 Why the decision, if applicable, represents an undue hardship on the appellant;
- 6.10.1.2.4 The appellant's interpretation or suggestion to resolve the complaint within the relevant ordinance or code sections. The Board shall have no authority to reduce the requirements of any of the Construction Codes.

6.10.1.3 The Board may establish a fee from time to time which shall accompany such notice of appeal.

6.10.2 Variances.

6.10.2.1 The Board may upon written petition and after a hearing, vary application of any provision of the Construction Codes to any particular case when, in its opinion, the enforcement thereof would be manifest injustice and create a hardship and would be contrary to the spirit and purpose of the construction code or public interest. In all cases, a finding of all of the following shall be necessary to grant a variance:

- 6.10.2.1.1 That special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others;
- 6.10.2.1.2 That the special conditions and circumstances do not result from the action or inaction of the applicant;
- 6.10.2.1.3 That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the Construction Codes to other buildings, structures, or service system;
- 6.10.2.1.4 That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure, or service system; and
- 6.10.2.1.5 That the granting of the variance will be consistent with the general intent and purpose of the Construction Codes and will not be detrimental to the public health, safety, and general welfare.

Notwithstanding the foregoing, pursuant to O.C.G.A. § 25-2-12(a)(7), the Board shall not have the authority to grant any variance or waiver which relieves any building, structure, or use or the proposed plans from compliance with state minimum fire standards.

6.10.2.2 The Board may establish a fee from time to time which shall accompany each variance application.

City of Valdosta Land Development Regulations

6.10.2.3 In granting a variance, the Board may prescribe a reasonable time limit within which the action for which the variance required shall be commenced or completed or both. In addition, the Board may, in its discretion, prescribe appropriate conditions and safeguards in conformity with the Construction Codes. Violation of the conditions of a variance shall be deemed a violation of the Construction Codes.

6.10.3 Hearings.

6.10.3.1 Hearings shall be called as provided for in Section 6.5 above and may be held in conjunction with any regular or special meeting of the Board. At or following each hearing the Board shall endeavor to reach a decision without unreasonable or unnecessary delay. Each decision shall be in writing and shall indicate the vote on the decision. Each decision shall be promptly filed in the Department and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise to the applicant and a copy shall be kept publicly posted in the Department for two weeks after filing. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Community Development Director or varies the application of any provision of the Construction Codes, the Community Development Director shall immediately take action in accordance with such decision.

6.10.3.2 Each decision of the Board shall be final, subject to such remedies as any appellant or aggrieved party might have at law or in equity.

6.11 Rules and Regulations. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Ordinance.

ARTICLE SEVEN: SEVERABILITY

In the event any section, subsection, sentence, clause or phrase of the Construction Codes or this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Construction Codes or this Ordinance

ARTICLE EIGHT: VIOLATIONS AND PENALTIES

8.1 Violations in General. Any person, firm, corporation or agent who shall violate any of the aforementioned provisions contained in this Appendix shall be tried in the Municipal Court of the City of Valdosta and if found guilty, shall be ordered to pay to the Department any required permit fee he/she failed to obtain and shall be punished as follows:

First Offense within the past 12 months: \$ 250.00;

Second Offense with the past 12 months: \$ 500.00 and/or up to 30 days in jail;

Third or Subsequent Offenses with the past 12 months: \$ 1,000.00 and/or up to 90 days in jail.

With respect to Repeat Offenders, the Director may commence an action against same before the Construction Board of Adjustments and Appeals as to whether the Board shall recommend to the City Manager that the Repeat Offender's business license shall be suspended, probated or revoked. The

City of Valdosta Land Development Regulations

Repeat Offender shall have a right to present testimony, cross-examine the Director's witnesses and be represented by counsel. The hearing shall be conducted at the earliest possible date. The Construction Board of Adjustment and Appeals shall recommend to the City Manager in writing whether the Repeat Offender's business license shall remain intact, be suspended, probated or revoked and the recommended time period for same not to exceed a year. Upon receipt of the recommendation from the Construction Board of Adjustment and Appeals, the City Manager shall notify the Repeat Offender of the Board's findings. The City Manager can adopt, reject or modify the recommendation. However, if the recommendation is for suspension, probation or revocation of the Repeat Offender's Business License, the Repeat Offender shall be entitled to an appeal hearing before the City Manager if so desired. The appeal hearing shall be conducted within thirty (30) days of the Construction Board of Adjustment and Appeal's report to the City Manager. At the appeal hearing, the Repeat Offender shall have all the rights afforded to him in the original hearing before the Construction Board of Adjustment and Appeals.

8.2 Work Performed by an Unlicensed Contractor. Any person, firm, corporation or agent thereof who commences or performs any work which would require a permit under this Appendix shall be licensed in accordance with O.C.G.A. 43-14-1 et.seq. or O.C.G.A. 43-41-1 et.seq. Any work being performed by an unlicensed person, firm, corporation or agent thereof, shall immediately cease. Violations of this section, shall be punishable in the Municipal Court of the City of Valdosta, and if convicted, the offender shall be punished as follows:

First Offense within the past 12 months: \$ 500.00;

Second or Subsequent Offenses within the past 12 months: \$ 1,000.00 and/or up to 90 days in jail.

Furthermore, upon finding that the unlicensed person, firm, corporation or agent thereof has violated this section, the Director may also notify the Georgia Secretary of State that said activity has taken place.