

CHAPTER 36: STATE MINIMUM STANDARD CONSTRUCTION CODES

Section

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NOTE: The word "department" shall refer to the state Department of Community Affairs.

Section 36-101 State Minimum Standard Codes

"State minimum standard codes" shall mean the following codes:

1. Standard Building Code;
2. National Electrical Code and published by the National Fire Protection Association;
3. Standard Gas Code;
4. Standard Mechanical Code;
5. Georgia State Plumbing Code or the Standard Plumbing Code;
6. Council of American Building Officials One and Two Family Dwelling Code, with the exception of Part 5 - Plumbing;
7. Georgia State Energy Code for Buildings;
8. Standard Fire Prevention Code;
9. Standard Housing Code;
10. Standard Amusement Device Code;
11. Excavation and Grading Code;
12. Standard Existing Buildings Code;
13. Standard Swimming Pool Code;
14. Standard Unsafe Building Abatement Code.

Section 36-102 Statewide Application

The state minimum standard codes enumerated in sections 1 through 8 of Section 36-101 of this code shall have statewide application and shall not require adoption by a municipality. The governing authority of any municipality in this state is authorized to enforce the state minimum standard codes.

Section 36-103 Adoption of Codes by Municipalities

The state minimum standard codes enumerated in numbers 9-14 of Section 36-101 shall not be applicable in a jurisdiction until adopted by a municipality. The governing authority of any municipality in this state is authorized to adopt and enforce the state minimum standard codes in that subject area which is being regulated by the municipality. A copy of the local ordinance or resolution adopting any such code shall be forwarded to the Department of Community Affairs in order that such municipality may be apprized of subsequent amendments in the state minimum standard code so adopted.

Section 36-104 Local Amendments to State Minimum Codes

1. In the event that the governing authority of any municipality or county finds that the state minimum standard codes do not meet its needs, the local government may provide requirements not less stringent than those specified in the state minimum, standard codes when such requirements are based on local climatic, geologic, topographic, or public safety factors; provided, however, that there is a determination by the local governing body of a need to amend the requirements of the state minimum standard code based upon a demonstration by the local governing body that local conditions justify such requirements not less stringent than those specified in the state minimum standard codes for the protection of life and property. All such proposed amendments shall be submitted by the local governing body to the Department of Community Affairs sixty (60) days prior to the adoption of such amendment. Concurrent with the submission of the proposed amendment to the department, the local governing body shall submit in writing the legislative findings of the governing body and such other documentation as the local governing body deems helpful in justifying the proposed amendment. The department shall review and comment on a proposed amendment. Such comment shall be in writing and shall be sent to the submitting local government with a recommendation:
 - A. That the proposed local amendment should not be adopted, due to the lack of sufficient evidence to show that such proposed local amendment would be as stringent as the state minimum standard codes and the lack of sufficient evidence to show that local climatic, geologic, topographic, or public safety factors require such an amendment;
 - B. That the proposed local amendment should be adopted, due to a preponderance of evidence that such proposed local amendment would be as stringent as the state minimum standard codes and a preponderance of evidence that the local climatic, geologic, topographic, or public safety factors require such an amendment; or
 - C. That the department has no recommendation regarding the adoption or disapproval of the proposed local amendments, due to the lack of sufficient evidence to show that such proposed local amendment would or would not be as stringent as the state minimum standard codes and the lack of sufficient evidence to show that local climatic, geologic, topographic, or public safety factors require or do not require such an amendment.
2. The department shall have sixty (60) days after receipt of a proposed local amendment to review the proposed amendment and make a recommendation as set forth in Section 36-104(1). In the event that the department fails to respond within the time allotted, the local governing body may adopt the proposed local amendment.
3. In the event that the department recommends against the adoption of the proposed local amendment, a local governing body shall specifically vote to reject the department's recommendations before any local amendment may be adopted.
4. No local amendment shall become effective until the local governing body has caused a copy of the adopted amendment to be filed with the department. A copy of an amendment shall be deemed to have been filed with the department when it has been placed in the United States mail, return receipt requested.
5. Nothing in this subsection shall be construed so as to require approval by the department before a local amendment shall become effective.
6. The department shall maintain a file of all amendments to the state minimum standard codes adopted by the various municipalities and counties in the state, which information shall be made available to the public upon request. The department may charge reasonable fees for copies of such information. An index of such amendments shall be included in each new edition of a state minimum standard code.
7. Except as otherwise provided in this section, building related codes or sections dealing with the subjects of historic preservation, high-rise construction, or architectural design standards for which a state minimum standard code does not exist may be adopted by a local jurisdiction following review by the department. The department's review shall be limited to a determination that the proposed code or ordinance is consistent with the approved state minimum standard codes when common elements exist and is not less restrictive than the requirement of said codes. Changes to all other state minimum standard codes shall be approved only pursuant to the provisions of this section regarding local amendments.

Section 36-105 Revision of State Minimum Standard Codes

The Department of Community Affairs may from time to time revise and amend the state minimum standard codes.

At the time of issuing a building permit, the issuing county or municipality shall notify the holder of the permit of any local amendments to the state minimum standard codes which are in effect for that county or municipality and that any such amendments are on file with the department. A county or municipality may satisfy this notice requirement by posting or providing a summary of the topic of such local amendment or amendments and the address and telephone number of the department.

Section 36-106 Enforcement of Codes

1. The governing body of any municipality or county adopting any state minimum standard code shall have the power:
 - A. To adopt by ordinance or resolution any reasonable provisions for the enforcement of the state minimum standard codes, including procedural requirements, provisions for hearings, provisions for appeals from decisions of local inspectors, and any other provisions or procedures necessary to the proper administration and enforcement of the requirements of the state minimum standard codes;
 - B. To provide for inspection of buildings or similar structures to ensure compliance with the state minimum standard codes;
 - C. To employ inspectors, including chief and deputy inspectors, and any other personnel necessary for the property enforcement of such codes and to provide for the authority, functions, and duties of such inspectors;
 - D. To require permits and to fix charges therefor;
 - E. To contract with other municipalities or counties adopting any state minimum standard code to administer such codes and to provide inspection and enforcement personnel and services necessary to ensure compliance with the codes; and
 - F. To contract with any other county or municipality whereby the parties agree that the inspectors of each contracting party may have jurisdiction to enforce the state minimum standard codes within the boundaries of the other contracting party.
2. No local inspector shall require any person performing work in compliance with a state minimum standard code or variations thereto which are in conformity with the provisions of this part to comply with the standards of any other building code not covered by this part.

Section 36-107 Inspectors, Inspections, and Violations

1. As used in this Code section, the term:
 - A. CABO means the Council of American Building Officials.
 - B. Qualified Inspector means:
 - (1) A person inspecting for compliance with the Standard Building Code or the building portion of the CABO One- and Two-Family Dwelling Code who holds a certification from the SBCCI as a building inspector;
 - (2) A person inspecting for the compliance of residential buildings with the National Electrical Code or the electrical portion of the CABO One- and Two-Family Dwelling Code who holds a certification from the SBCCI as a residential electrical inspector or an electrical contractor license from the State Construction Industry Licensing Board;
 - (3) A person inspecting for the compliance of nonresidential buildings with the National Electrical Code who holds a certification from the SBCCI as a commercial electrical inspector or an electrical contractor license from the State Construction Industry Licensing Board;
 - (4) A person inspecting for compliance with the Standard Gas Code who holds a certification from the SBCCI as a mechanical inspector or plumber, or master plumber license from the State Construction Industry Licensing Board;
 - (5) A person inspecting for compliance with the Standard Mechanical Code or the mechanical portion of the CABO One- and Two-Family Dwelling Code who holds a certification from the SBCCI as a mechanical inspector or a conditioned air contractor license from the State Construction Industry Licensing Board;

- (6) A person inspecting for compliance with the Georgia State Plumbing Code, the Standard Plumbing Code, or the plumbing portion of the CABO One- and Two-Family Dwelling Code who holds a certification from the SBCCI as a plumbing inspector or a journeyman plumber or master plumber license from the State Construction Industry Licensing Board;
 - (7) A person inspecting for compliance any portion of the CABO One- and Two-Family Dwelling Code who holds a certification from the SBCCI as a one and two-family dwelling inspector;
 - (8) A person inspecting for compliance with the Georgia State Energy Code for Buildings who has completed eight (8) hours of training that is conducted or approved by the department; or
 - (9) A person inspecting for compliance with any of the codes listed in subparagraphs 1 through 8 of this paragraph who holds a certificate of registration as a professional engineer issued under *O.C.G.A.* Chapter 15 of Title 43 and is practicing within the scope of his or her branch of engineering expertise while conducting such inspection.
- C.** SBCCI means the Southern Building Code Congress International.
- D.** State Construction Industry Licensing Board means that board created pursuant to *O.C.G.A.* § 43-14-3.
2. The governing authority of any municipality which has adopted provisions for the enforcement of the state minimum standard codes shall post a notice stating whether the personnel employed by that governing authority to conduct inspections for compliance with such codes are qualified inspectors. Such notice shall separately address each minimum standard code enumerated in subdivisions (9)(B)(i)(I) through (9)(B)(i)(VII) of *O.C.G.A.* § 8-2-20 and the building, electrical, mechanical, and plumbing portions of the CABO One- and Two-Family Dwelling Code, and state whether all personnel assigned to conduct inspections for the particular code or portion of the code are qualified inspectors for that code or portion of the code.
 3. If such notice states that not all personnel assigned to conduct inspections for a particular state minimum standard code or portion of such code are qualified inspectors for that code or portion of the code, then the governing authority may retain qualified inspectors not employed by the governing authority to conduct inspections. If the Mayor and Council does not so retain qualified inspectors, then any person, firm, or corporation engaged in a construction project which requires inspection shall have the option of retaining, at its own expense, a person who is a qualified inspector for that code or portion of the code and who is not an employee of or otherwise affiliated with or financially interested in such person, firm or corporation to provide the required inspection.
 4. The person, firm, or corporation retaining a qualified inspector to conduct an inspection pursuant to this section shall be required to pay to the municipality which requires the inspection the same permit fees and charges which would have been required had the inspection been conducted by a county or municipal inspector.
 5. A qualified inspector retained pursuant to this section shall be empowered to perform any inspection required by the governing authority of any county or municipality, including but not limited to inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air condition (HVAC), or any and all other inspections necessary or required for the issuance of a certificate of occupancy by the governing authority of any county or municipality; provided, however, that the qualified inspector must possess the qualifications described in paragraph (B) of subsection (1) of this section for the particular type of inspection. Any inspection conducted pursuant to this section shall be no less extensive than an inspection conducted by a county or municipal inspector.
 6. Upon submission by the qualified inspector of a copy of his or her inspection report to the local governing authority, said local governing authority shall be required to accept the inspection of the qualified inspector without the necessity or further inspection or approval by the inspectors or other personnel employed by the local governing authority unless said governing authority has notified the qualified inspector, within two (2) business days after the submission of the inspection report, that it finds the report incomplete or the inspection inadequate and has provided the qualified inspector with a written description of the deficiencies and specific code requirements that have not been adequately addressed.
 7. Nothing in this section shall be construed to apply to inspections for compliance with a state or local fire safety standard or erosion control standard.
 8. Nothing in this section shall be construed to limit any public or private right of action designed to provide protection, rights, or remedies for consumers.

Section 36-108 Code Compliance Inspections

1. If the Mayor and Council cannot provide inspection services within two business days of receiving a valid written request for inspection, then in lieu of inspection by inspectors or other personnel employed by such governing authority, any person, firm or corporation engaged in a construction project which requires inspection shall have the option of retaining, at its own expense, a professional engineer who holds a certificate of registration issued under *O.C.G.A. § Chapter 15 of Title 43*, and who is not an employee of or otherwise affiliated with or financially interested in such person, firm, or corporation, to provide the required inspection.
2. Any inspection conducted by a registered professional engineer shall be no less extensive than an inspection conducted by a county or municipal inspector.
3. The person, firm, or corporation retaining a registered professional engineer to conduct an inspection shall be required to pay to the municipality which requires the inspection the same permit fees and charges which would have been required had the inspection been conducted by a county or municipal inspector.
4. The registered professional engineer shall be empowered to perform any inspection required by the governing authority of any county or municipality, including, but not limited to, inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any and all other inspections necessary or required for the issuance of a certificate of occupancy by the Mayor and Council of any county or municipality, provided that the inspection is within the scope of such engineer's branch of engineering expertise.
5. The registered professional engineer shall submit a copy of his or her inspection report to the county or municipality.
6. Upon submission by the registered professional engineer of a copy of his or her inspection report to the Mayor and Council the Mayor and Council shall be required to accept the inspection of the registered professional engineer without the necessity of further inspection or approval by the inspectors or other personnel employed by the Mayor and Council unless the Mayor and Council has notified the registered professional engineer, within two (2) business days after the submission of the inspection report, that it finds the report incomplete or the inspection inadequate and has provided the registered professional engineer with a written description of the deficiencies and specific code requirements that have not been adequately addressed.
7. The Mayor and Council may provide for the prequalification of registered professional engineers who may perform inspections pursuant to this subsection. No ordinance implementing prequalification shall become effective until notice of the governing authority's intent to require prequalification and the specific requirements for prequalification have been advertised in the newspaper in which the sheriff's advertisements for that locality are published. The ordinance implementing prequalification shall provide for evaluation of the qualifications of a registered professional engineer on the basis of the engineer's expertise with respect to the objectives of the inspection, as demonstrated by the engineer's experience, education, and training.
8. Nothing in this section shall be construed to limit any public or private right of action designed to provide protection, rights, or remedies for consumers.

Section 36-109 Plumbing Code

1. **Adoption.** There is hereby adopted by the Mayor and City Council, for the purpose of establishing standards and procedures affecting the installation of plumbing and plumbing materials, the Georgia State Plumbing Code, being particularly that code published by the State Building Administrative Board, of which code not less than one (1) copy has been and now is filed in the office of the city clerk/treasurer, and the same is adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the corporate limits of the city.
2. **Definitions of Terms Used in State Plumbing Code.**
 - A. Wherever the term "**Plumbing Inspector**" is used in the State Plumbing Code, it shall mean the person designated by the Mayor and City Council to administer and enforce the provisions of said code.
 - B. Wherever the term "**Corporate Counsel**" is used in the State Plumbing Code, it shall mean the City Attorney of this municipality.
 - C. Wherever the term "**Municipality**" is used in the State Plumbing Code, it shall mean this city.

3. **Enforcement.** The Georgia State Plumbing Code adopted herein shall be enforced by [the department of housing and building inspection].
4. **Penalties.** Any person who shall violate any of the provisions of the Georgia State Plumbing Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall, for each such failure or violation or noncompliance, be punished by a fine not to exceed _two hundred dollars (\$200.00) and costs, or by imprisonment not to exceed thirty (30) days, or both, any and all of such penalties to be imposed in the discretion of the Judge of the Municipal Court.