

A RESOLUTION OF THE COMMISSIONER OF BARTOW COUNTY SITTING FOR COUNTY PURPOSES FOR THE PURPOSE OF **AMENDING THE BARTOW COUNTY BUILDING CODE ORDINANCE; REVISING PROVISIONS RELATING TO MANUFACTURED HOMES AND INDUSTRIALIZED HOMES; REVISING PROVISIONS RELATING TO PROFESSIONAL ARCHITECT OR ENGINEER SUPERVISION; AMENDING VARIANCE PROVISIONS;** AND FOR OTHER PURPOSES ADOPTED AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON THE 4<sup>th</sup> DAY OF JUNE, 2008.

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**WHEREAS**, Bartow County previously adopted a Building Code Ordinance on January 3, 2007, which ordinance regulates the issuance of building permits, provides for enforcement, and adopts various state minimum standard codes; and

**WHEREAS**, the provisions of O.C.G.A. § 36-8-1 et seq. and O.C.G.A. § 8-2-20 et seq. allow the County to adopt certain codes in addition to the state minimum standard codes and to adopt administrative procedures and penalties to locally enforce the construction codes; and

**WHEREAS**, the Building Official of Bartow County has recommended these changes be made to improve the administration of the building codes and to promote the public health, safety and welfare; and

**WHEREAS**, the Commissioner deems it to be in the best interests of the citizens of Bartow County to adopt the following amendments to the Building Code Ordinance relating to various building and inspection standards and practices:

**NOW THEREFORE BE IT ORDAINED AND IT HEREBY IS ORDAINED**, by virtue of the authority vested in the Commissioner by law, that the Bartow County Building Code Ordinance, is amended as follows:

*I. Existing Section VI(J) is deleted and replaced with the following:*

J. Manufactured Home Requirements. After June 4, 2008, any manufactured home or mobile home brought into the County or moved within the County shall be no older than 20 years from the date of manufacture. Homes more than 20 years old cannot be brought into the County or moved within the County. The age

requirement cannot be altered by variance. Any manufactured home must be installed in compliance with Section VI(L) below. Manufactured homes brought into the County shall furthermore: contain not less than 800 square feet of heated living space; have been manufactured in compliance with the Federal Manufactured Home Construction and Safety Standards Act (42 USC § 5401 et seq.) and all applicable standards, regulations and requirements of the United States Department of Housing and Urban Development (HUD) pertaining to manufactured houses; comply with the requirements of this Ordinance; and be habitable, fit, and safe housing in compliance with the Bartow County Unfit Property Ordinance. Existing manufactured homes located in the County that are lawful non-conforming homes as of June 4, 2008 but do not comply with the requirements of this section cannot be relocated within the County; only homes that meet all requirements this section can be relocated within the County.

*II. Existing Sections VI(L) and (M) are deleted and replaced with the following:*

- L. Installation of Manufactured Homes. Construction of manufactured homes is regulated by federal law and not this Ordinance. However, installation of manufactured homes must meet manufacturer's specifications and the requirements of this paragraph and the Zoning Ordinance before permanent utilities may be installed. An installation permit must be obtained prior to installation and an inspection must occur of the installation, including utility connections and underpinning, prior to issuance of a certificate of occupancy.
1. Installation Requirements. Manufactured homes must be installed in accordance with O.C.G.A. § 8-2-160 and the regulations promulgated thereunder.
  2. Utility Connections. Utility connections prior to the final inspection of the installation will be considered temporary and will be approved only when arrangements for complete installations have been made.
  3. Entry Landing. All manufactured house installations shall provide an adequate means of entry (including steps and a landing at each doorway).
  4. Sewage Management. A septic permit or a sewer tap must be secured and provided to Building Inspections before an installation permit for a manufactured home will be permitted.
  5. Underpinning. Except as otherwise provided herein, any manufactured house, whether on an individual lot or in a manufactured house subdivision, shall be required to be underpinned prior to occupancy.
    - a. The underpinning shall consist of one of the following: masonry,

vinyl siding/panels or aluminum siding/panels or such other material as may be approved by the Building Official prior to installation. The following types of materials are not permitted to be used, including but not limited to, tin, wood (unless of natural decay resistance type such as cedar), plastic sheeting or gypsum board (black board).

- b. The underpinning must be adequately secured to the manufactured house and where necessary for stability, secured to the ground. Two access doors are required to be installed in a manner which will provide adequate access for inspections and maintenance. Provisions must be made for adequate ventilation for the crawl space underneath the manufactured house.

M. Installation of Industrialized Homes. Construction of industrialized homes is regulated by the Georgia Department of Community Affairs and not this Ordinance. However, installation of homes must meet manufacturer's specifications and the specifications of the Zoning Ordinance before permanent utilities may be installed. An installation permit must be obtained prior to installation and an inspection must occur of the installation, including utility connections and foundation, prior to issuance of a certificate of occupancy.

1. Installation Requirements. Industrialized homes must be installed in accordance with O.C.G.A. § 8-2-110 et seq. and regulations promulgated thereunder.
2. Utility Connections. Utility connections prior to the final inspection of the installation will be considered temporary and will be approved only when arrangements for complete installations have been made.
3. Entry Landing. All industrialized home installations shall provide an adequate means of entry (including steps and a landing at each doorway).
4. Sewage Management. A septic permit or a sewer tap must be secured and provided to Building Inspections before an installation permit for an industrialized home will be permitted.
5. Foundations. The dwelling must be placed on a foundation and a curtain wall, unpierced except for required ventilation and access, must be installed so that it encloses the area located under the home to ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Building Official.

III. *Existing Section XV(H) is added as follows:*

- H. Limitations on Variances; Improper Variance Requests. Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the Building Official, a request that would constitute a text amendment, then the application shall not be accepted. A variance application shall not be accepted if the variance is contradictory to the ordinance (such as reducing a requirement to zero or totally eliminating a requirement). The applicant shall instead be directed to file for a text amendment. Generally, variances can only be given to alter a numeric value, unless otherwise specified. A variance application shall not be accepted if the variance seeks something that cannot be varied.

IV. *Section X(G) is deleted and replaced with the following:*

- G. Supervision by Engineer or Architect. Whenever i) a permit is issued in reliance upon an affidavit pursuant to Section X(F) above; or ii) the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex; or iii) the permit relates to construction of any work or structures involving professional engineering which by the nature of their function or existence could adversely affect or jeopardize the health, safety or welfare of the public, then the Building Official shall require that a registered professional architect or engineer shall supervise such work. Under condition (iii) above, the Building Official shall also require sealed plans and specifications from an architect or engineer, unless another exemption applies. Condition (iii) shall not apply to any construction costing \$100,000 or less or which is used exclusively for private or noncommercial purposes, for private residences, or for noncommercial farm buildings, or residence buildings not exceeding two stories.

In addition, said architect or engineer shall i) be responsible for conformity with the permit, ii) provide copies of inspection reports as inspections are performed, and iii) upon completion, make and file with the Building Official a written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the Standard Building Codes. In the event such architect or engineer is not available, the owner may employ in his stead a competent person or agency whose qualifications are reviewed and approved by the Building Official.

V. *Section VI(F) is deleted and replaced with the following:*

- F. Requirements for Safe Work. All work performed relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures, including work on the building or structure itself, or the building or

structure's electrical, gas, mechanical or plumbing system, shall be done in a safe manner, in compliance with the requirements of the Standard Building Codes and this Ordinance. Work not done in compliance with these requirements, whether or not it requires a permit, may be subject to citation, stop work order, or other civil remedy by the Building Official.

**BE IT FURTHER ORDAINED** that all Resolutions and Ordinances in conflict herewith are hereby repealed provided, however, that any portion of said Resolutions or Ordinances not in conflict herewith shall remain in full force and effect.

SO ADOPTED this 4<sup>th</sup> day of June, 2008, to be effective immediately, the public health, safety, and general welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

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Kathy Gill, Clerk

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Clarence Brown, Commissioner

**BARTOW COUNTY**  
**BUILDING CODE ORDINANCE**

ADOPTED NOVEMBER 9, 2005  
AMENDED AND READOPTED JANUARY 3, 2007  
AMENDED JUNE 4, 2008

Prepared by  
Bartow County Building Inspections Department and  
Peter Olson, Attorney for Bartow County

**BARTOW COUNTY BUILDING CODE ORDINANCE**

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## **BARTOW COUNTY BUILDING CODE ORDINANCE**

### **SECTION I. TITLE**

This Ordinance shall be known as the “Bartow County Building Code Ordinance.”

### **SECTION II. PURPOSE**

The purpose of this Ordinance is to provide for the administration and enforcement of the Georgia State Minimum Standard Codes heretofore adopted by the State of Georgia and additional optional codes as hereinafter designated and adopted by Bartow County. It is further the purpose of this ordinance to:

- A. Protect the public health, safety and welfare by ensuring that new construction is built according to the Standard Building Codes and in a safe and sound manner, so as not to pose a hazard to the occupants or other structures or persons;
- B. Protect the public health, safety and welfare by ensuring that existing repairs and renovation of existing buildings are constructed according to the Standard Building Codes and in a safe and sound manner, so as not to pose a hazard to the occupants or other structures or persons;
- C. Achieve compliance with all applicable state and federal regulations;
- D. Provide for and require the erection of safe structures, to provide for adequate sanitation and health, and to provide for adequate fire protection, proper load bearing and other safety measures;
- E. Prevent the erection of unpermitted or unsafe structures and to prevent the unsafe repair of structures; and
- F. Prevent nuisances and to provide for abatement of nuisances, and to prevent public hazards, unsafe or unfit structures and the associated negative impacts on neighboring properties.

### **SECTION III. DEFINITIONS**

The following words shall have the following meanings in this Ordinance. Except as specifically defined herein all words used in this Ordinance shall carry their customary meaning as defined by a standard dictionary.

**ACCESSORY USE:** A use located on the same lot as the principal use, which is clearly incidental and secondary to the permitted use and which does not change the character of such use, including, but not limited to, private garages, bathhouses, greenhouses, tool sheds, storage buildings, or similar.

**BUILDING:** Any structure intended for shelter, housing, or enclosure of persons, animals, chattels or property, and usually having a roof supported by columns or by walls.

**BUILDING, ACCESSORY:** A detached structure designed for the use of which is clearly incidental to and subordinate to the principal structure or use of the land, and which is located on the same lot as the principal structure or use.

**BUILDING, PRINCIPAL:** A building in which is conducted the main use of the lot on which said building is located.

**BUILDING OFFICIAL:** The Bartow County Building Official, or the head of the Bartow County Building Inspections Department, or a duly authorized designee.

**COMMERCIAL:** An activity undertaken for profit, income, or other business purposes, including sales or manufacture of goods or items, sale of animals, and boarding, training, and breeding of animals, and similar activities.

**DEPARTMENT:** The Bartow County Building Inspections Department.

**DEVELOPER:** The owner of, or person responsible for, a development.

**DEVELOPMENT, or "TO DEVELOP":** Subdividing a tract of land into three or more lots whether for sale or rental, for commercial, industrial, office or residential purposes, or some combination thereof. It shall also include redevelopment of existing development. It shall also include the construction of any commercial, industrial, multi-family or office building or structure, even if on a single lot, and shall include the construction of a manufactured home park. In order that the purposes of this ordinance shall not be evaded by piecemeal development or subdivision, subdividing a tract of land existing on November 9, 2005 into two tracts shall not be a development, but any further split of either tract shall be a development.

**DWELLING:** A building or other structure designed, arranged, or used for temporary or permanent living quarters for one or more persons.

**DWELLING UNIT:** A building or portion thereof, providing complete living facilities for one family.

**FAMILY:** An individual or two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit; or a group of not more than six (6) persons who need not be related by blood, marriage, or adoption, living together in a dwelling unit. For purposes of this Ordinance, "a family" may include five (5) or fewer foster children placed in a family foster home licensed by the State of Georgia, but shall not include fraternities, sororities, nursing homes, or rest homes.

**HAZARDOUS OCCUPANCY:** Any occupancy involving sufficient quantities of highly combustible or explosive materials which because of their inherent characteristics constitute a special hazard. Also, buildings and structures occupied for the manufacturing, processing, dispensing, use or storage of hazardous materials. Also, any occupancy defined as Group H in the Standard Building Codes.

**INDUSTRIALIZED HOUSING:** A factory fabricated dwelling or commercial unit built in one or more sections designed to fit together on a foundation but which usually does not originally have wheels for movement and which is constructed in accordance with the Georgia Industrialized Building Act (O.C.G.A. § 8-2-110) and which bears the seal of approval issued by the Commissioner of Community Affairs.

**LAND-DISTURBING ACTIVITY:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural operations and forestry.

**LAND DISTURBANCE PERMIT:** A permit granted under the Bartow County Soil Erosion and Sedimentation Control Ordinance that provides the authorization necessary to conduct a land-disturbing activity under the provisions of that Ordinance and this Ordinance.

**LINE, LOT:** The boundary line of a lot.

**LINE, YARD:** A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required setback.

**LOT:** A developed or undeveloped tract of land having defined boundaries and legally transferable as a single unit of land; does not refer to public rights-of-way.

**LOT OF RECORD:** Any lot identified on a final subdivision plat approved by Bartow County and recorded in the office of the Clerk of Bartow Superior Court is a lot of record. Any lot described in a deed, sales contract or survey, that was recorded in the office of the Bartow County Recorder before September 30, 1993 is a lot of record. Any lot described in a deed, sales contract, or survey that was recorded after September 30, 1993 and the present, and which complied with the zoning requirements in effect at the time of its creation, is a lot of record.

**LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

**LOT, WIDTH OF:** The distance between side lot lines.

**MANUFACTURED HOUSE (MOBILE HOME):** A detached, single-family dwelling unit designed for long-term occupancy and constructed in one of more units with wheels for movement (whether or not such wheels are later removed) and which has plumbing and

electrical connections provided for attachment to outside systems, whether or not such unit is subsequently installed on a foundation or other internal or external changes are made. See Sec. 10.3 for further regulations.

**OCCUPANCY:** The use or intended use of a building or part thereof or a premises outside of the buildings.

**SETBACK:** The open space between the lot line and the yard line, which shall be unobstructed by any structure other than as expressly permitted in the Bartow County Zoning Ordinance.

**STANDARD BUILDING CODES:** The state minimum standard codes as defined by O.C.G.A. § 8-2-20(9)(B)(i)(I) through (XI), as amended from time to time by the Department of Community Affairs. Codes included are as follows:

- (I) International Building Code (ICC);
- (II) National Electrical Code (NFPA);
- (III) International Fuel Gas Code (ICC);
- (IV) International Mechanical Code (ICC);
- (V) International Plumbing Code (ICC);
- (VI) International Residential Code for One- and Two-Family Dwellings (ICC);
- (VII) International Energy Conservation Code (ICC); and
- (VIII) International Fire Code (ICC).

**SWIMMING POOL:** Any artificial water-holding structure with a closed-loop circulation of water through a water treatment system with a return to the pool that is intended for use as a swimming pool and that is over twenty-four inches (24”) in depth at any point and that has a water surface area exceeding 250 square feet, and/or a water volume exceeding 3,250 gallons.

#### **SECTION IV. ADOPTION OF CODES**

A. Standard Building Codes. The following Standard Building Codes are in force in each County of this state as a matter of law, pursuant to O.C.G.A. § 8-2-25, and are therefore in force in Bartow County. See also subsection (c).

- (I) International Building Code (ICC);
- (II) National Electrical Code (NFPA);
- (III) International Fuel Gas Code (ICC);
- (IV) International Mechanical Code (ICC);
- (V) International Plumbing Code (ICC);

- (VI) International Residential Code for One- and Two-Family Dwellings (ICC);
- (VII) International Energy Conservation Code (ICC); and
- (VIII) International Fire Code (ICC).

B. Appendices. Enforcement of the Standard Building Codes I to VIII listed above shall not include enforcement of appendices to such codes 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 county; or
- (3) An appendix to a code is specifically adopted by the Department of Community Affairs with the approval of the board.

C. Reserved.

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

E. Codes Remedial. The Standard Building Codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes of 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.

F. Quality and Workmanship Not Regulated. Quality control of materials and workmanship is not within the purview of this Ordinance except as it relates to the purposes stated herein.

G. No Warranty or Guaranty. The inspection or permitting of any building, system or plan, under the requirements of this ordinance shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy, nor any guaranty of compliance with the Codes. Neither Bartow County, nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

H. Other Applicable Ordinances. The applicant is advised that other applicable provisions, including special agricultural setback provisions, exist in the Bartow County Zoning Ordinance, and that other requirements contained in the Bartow County Development Regulations, the Bartow County Flood Damage Prevention Ordinance, and the Bartow

County Soil Erosion and Sedimentation Ordinance may apply, and the applicant is advised to check with the Zoning Department and Engineering Department. Issuance of a building permit is not a guaranty that the erection of the structure is lawful and in compliance with all other applicable ordinances.

- I. Supremacy and Preemption. The provisions of this Ordinance shall not be held to deprive any Federal or State agency, or Bartow County, of any power or authority which it had on the effective date of the adoption of this Ordinance 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.

## SECTION V. BUILDING DEPARTMENT

- A. Department Established. There is hereby established the Building Inspections Department and the department head shall be known as the Chief Building Inspector. The qualifications for the Chief Building Inspector and other Code enforcement personnel, collectively known herein as the Building Official, are those as may from time to time be determined by the governing authority.
- B. Restriction on Employees. No employee connected with the Building Inspections Department, except one whose only connection is as a member of the board established by this Ordinance, 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, nor shall any employee engage in any other work which is inconsistent with his duties or conflict with the interests of the Department.
- C. Records and Reports. The Chief Building Inspector 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 in accordance with the Open Records Act.
- D. Annual Reports. The Chief Building Inspector shall submit annually a report covering the work of the Building Inspections Department during the preceding year. He may incorporate in said report a summary of the decisions of the Board of Adjustments and Appeals during said year.

## SECTION VI. GENERAL REQUIREMENTS

- A. Existing Buildings Alteration or Rehabilitation. 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 Standard Building Codes, provided that the alteration, repair, or rehabilitation work conforms to the requirements of the Standard

Building Code for any new construction. The Chief Building Inspector shall determine the extent to which the existing system shall be made to conform to the requirements of the Standard Building Codes for new construction. Bartow County has not adopted the International Existing Building Code (ICC).

- B. Property 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 Standard Building 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.
- C. 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 and requirements of the Standard Building Codes as required by the Building Official.
- D. Illegal Lots. Building permits may only be issued on lots of record. No building permit shall be issued on any illegal lot, as such is defined in the Bartow County Zoning Ordinance. There are lots within Bartow County, that, while their existence may be recorded in the office of the Clerk of Bartow Superior Court, were not lawfully created in accordance with the laws of Bartow County as described herein, or at the time of their creation, and are not lots of record. Bartow County will not issue a building permit for such lots.
- E. Special Historical Buildings. The provisions of the Standard Building 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 County as Historic Buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within fire districts.
- F. Requirements for Safe Work. All work performed relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures, including work on the building or structure itself, or the building or structure's electrical, gas, mechanical or plumbing system, shall be done in a safe manner, in compliance with the requirements of the Standard Building Codes and this Ordinance. Work not done in compliance with these requirements, whether or not it requires a permit, may be subject to citation, stop work order, or other civil remedy by the Building Official.
- G. Permit Required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, or change the occupancy of a building or a structure, or to erect, install, enlarge, alter, repair, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the Standard Building Codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required

permit for the work, except as exempted below. Any time a new non-residential business is beginning operation in an existing structure, or any time a new tenant is to occupy an existing non-residential structure, such person or entity shall be required to notify the Building Official and obtain an inspection prior to obtaining a business license and/or beginning tenancy (such requirements shall not apply to residential tenants such as apartment renters). It shall be unlawful to commence construction of a building or structure requiring a permit without first obtaining a permit, as required herein. It shall be unlawful to commence any land disturbance activity for the construction of any building; to commence construction of any building; to commence the moving or alteration of any building; or to commence the development of land for a use not requiring a building, until all necessary permits for such work have been issued. Building permits shall be required as listed in this Ordinance, and land disturbance permits as required by the Bartow County Soil Erosion and Sedimentation Control Ordinance. All land development or construction shall comply with the codes and ordinances in effect in Bartow County at the time the permit is issued.

- H. Other Approvals as Prerequisite. No building permits shall be issued unless the applicant can show all necessary approvals from other County departments, including, but not limited to, a water tap permit; a sewer tap or septic tank permit; and a driveway permit. Written final approval from the Water Department approving the water and sewer system in a subdivision is required before any building permits can be released in that subdivision.
- I. Pending Violations and Stop Work Orders. No building permit shall be issued to any applicant currently in violation of this Ordinance, or any other Ordinance of Bartow County. No building permit shall be issued to any applicant currently subject to a stop work order under this Ordinance, or any other Ordinance of Bartow County.
- J. Manufactured Home Requirements. After June 4, 2008, any manufactured home or mobile home brought into the County or moved within the County shall be no older than 20 years from the date of manufacture. Homes more than 20 years old cannot be brought into the County or moved within the County. The age requirement cannot be altered by variance. Any manufactured home must be installed in compliance with Section VI(L) below. Manufactured homes brought into the County shall furthermore: contain not less than 800 square feet of heated living space; have been manufactured in compliance with the Federal Manufactured Home Construction and Safety Standards Act (42 USC § 5401 et seq.) and all applicable standards, regulations and requirements of the United States Department of Housing and Urban Development (HUD) pertaining to manufactured houses; comply with the requirements of this Ordinance; and be habitable, fit, and safe housing in compliance with the Bartow County Unfit Property Ordinance. Existing manufactured homes located in the County that are lawful non-conforming homes as of June 4, 2008 but do not comply with the requirements of this section cannot be relocated within the County; only homes that meet all requirements this section can be relocated within the County.
- K. Additions to Manufactured Homes, Mobile Homes. Additional living space is prohibited to be added to a manufactured house unless a set of plans is submitted to and approved by the Bartow County Building Official. This must be done prior to obtaining a building permit.

L. Installation of Manufactured Homes. Construction of manufactured homes is regulated by federal law and not this Ordinance. However, installation of manufactured homes must meet manufacturer's specifications and the requirements of this paragraph and the Zoning Ordinance before permanent utilities may be installed. An installation permit must be obtained prior to installation and an inspection must occur of the installation, including utility connections and underpinning, prior to issuance of a certificate of occupancy.

1. Installation Requirements. Manufactured homes must be installed in accordance with O.C.G.A. § 8-2-160 and the regulations promulgated thereunder.
2. Utility Connections. Utility connections prior to the final inspection of the installation will be considered temporary and will be approved only when arrangements for complete installations have been made.
3. Entry Landing. All manufactured house installations shall provide an adequate means of entry (including steps and a landing at each doorway).
4. Sewage Management. A septic permit or a sewer tap must be secured and provided to Building Inspections before an installation permit for a manufactured home will be permitted.
5. Underpinning. Except as otherwise provided herein, any manufactured house, whether on an individual lot or in a manufactured house subdivision, shall be required to be underpinned prior to occupancy.
  - a. The underpinning shall consist of one of the following: masonry, vinyl siding/panels or aluminum siding/panels or such other material as may be approved by the Building Official prior to installation. The following types of materials are not permitted to be used, including but not limited to, tin, wood (unless of natural decay resistance type such as cedar), plastic sheeting or gypsum board (black board).
  - b. The underpinning must be adequately secured to the manufactured house and where necessary for stability, secured to the ground. Two access doors are required to be installed in a manner which will provide adequate access for inspections and maintenance. Provisions must be made for adequate ventilation for the crawl space underneath the manufactured house.

M. Installation of Industrialized Homes. Construction of industrialized homes is regulated by the Georgia Department of Community Affairs and not this Ordinance. However, installation of homes must meet manufacturer's specifications and the specifications of the Zoning Ordinance before permanent utilities may be installed. An installation permit must be obtained prior to installation and an inspection must occur of the installation, including utility connections and foundation, prior to issuance of a certificate of occupancy.

1. Installation Requirements. Industrialized homes must be installed in accordance with O.C.G.A. § 8-2-110 et seq. and regulations promulgated thereunder.
  2. Utility Connections. Utility connections prior to the final inspection of the installation will be considered temporary and will be approved only when arrangements for complete installations have been made.
  3. Entry Landing. All industrialized home installations shall provide an adequate means of entry (including steps and a landing at each doorway).
  4. Sewage Management. A septic permit or a sewer tap must be secured and provided to Building Inspections before an installation permit for an industrialized home will be permitted.
  5. Foundations. The dwelling must be placed on a foundation and a curtain wall, unpierced except for required ventilation and access, must be installed so that it encloses the area located under the home to ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Building Official.
- N. Swimming Pools. Any swimming pool shall be enclosed with a fence that is in compliance with the Standard Building Code (International Residential Code), including but not limited to Appendix G. Public swimming pools must also comply with applicable regulations of the Bartow County Board of Health.
- O. Signs. Signs more than 100 square feet must have plans submitted for the structure and its footings, and signs requiring a separate electrical meter must have a permit. Plans required to be submitted shall be stamped by a professional engineer. Due to the unique design and engineering of signs, the inspection only includes those parameters involved with the footing and electrical metering of the signs. It is the contractor's sole responsibility to assure that the sign is constructed to the engineered drawing specifications. It is the owner's responsibility to make sure the sign is kept in a safe state of repair.
- P. Moved Houses. A house moved to another location in Bartow County (or a house moved into Bartow County from another county) must have the necessary improvements made so as to be in compliance with the Standard Building Codes that are in effect for new construction at the time the home is placed in its new location. Where any particular improvements that would be required to the moved house are technically unfeasible or impractical, or would be cost prohibitive (especially in relation to the benefit received or the purpose, goal, or intent of the standard or regulation at issue), a written request may be made to the Building Official requesting an exemption from the particular standard or requirement, and detailing why the request for exemption is being submitted. The Building Official may grant exemption, if reasonable, or may deny the exemption. Any denial may be appealed to the Construction Board of Adjustment and Appeals pursuant to Section XV. The exemption granted should

not impair the public safety purposes of the Standard Building Codes and should be the minimum necessary.

## SECTION VII. PERMITS

- A. Permits. The Building Official is authorized to issue permits under the Standard Building Codes, and to make inspections in relation to enforcing and administering those Codes and this Ordinance.
- B. Exemptions. A building permit shall not be required for the following structures or mechanical work:
1. A personal storage building or personal garage which is less than 800 square feet and will not be used for income producing activities nor as living quarters;
  2. A structure used for housing animals, poultry, etc., or for other agricultural practices, which is not open to the public;
  3. any portable heating appliance;
  4. any portable ventilation equipment;
  5. any portable cooling unit;
  6. any steam, hot or chilled water piping within any heating or cooling equipment regulated by the Code;
  7. replacement of any part which does not alter its approval or make it unsafe;
  8. any portable evaporative cooler; or
  9. 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.
- C. Minor Repairs Exempted. Ordinary minor repairs may be made without a permit, provided that such repairs shall not violate any of the provisions of the Standard Building Codes.
- D. Reserved.
- E. Applications and Review. All applicants for a building permit shall submit an application as required, with the information specified in Section VIII and such other information as is required. The Building Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, or such other data as is required by the Building Official, and shall ascertain

by such examinations whether the construction appears to be in accordance with the requirements of the Standard Building Codes and all other pertinent laws or ordinances.

- F. Permit Decision. The Building Official shall act upon an application for a permit without unreasonable or unnecessary delay, within thirty days from the submission of an application deemed complete. If the Building Official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the Standard Building Codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.
- G. Permit Issuance. When the Building Official issues a permit that requires plans to be submitted, he shall endorse, in writing or by stamp, both sets of plans “Reviewed for Issuance of Construction Permit.” 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. In the event the particular permit does not require plans to be submitted, only a copy of the permit shall be kept by the Building Official.
- H. Permit Duration. 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 Standard Building Codes, nor shall issuance of a permit prevent the Building Officer from thereafter requiring a correction of errors in plans, construction, or violations of this Ordinance. Every permit issued shall become invalid unless the work authorized by such permit is completed within 12 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. One or more extensions of time, for periods not more than 12 months, may be allowed for the permit.
- I. Permit Posted. 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. Such permits must be placed on a post or other structure at least three feet off the ground and no more than two feet back from the right of way, so as to be easily visible to the inspectors and passers-by. The permittee shall be responsible for insuring a clear and legible permit is on display at all times. If permit is not properly posted, no scheduled inspections will occur, and a re-inspection fee will be charged before any further inspections will be scheduled. In the event of damage or loss, a replacement permit shall be immediately obtained and displayed. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the Building Official.
- J. Reserved.
- K. Denial of Permit. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the Standard Building Codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such

refusal shall, when requested, be in writing and shall contain the reason for refusal. Appeals shall be to the Construction Board of Adjustments and Appeals.

- L. Special Foundation Permit. When an 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 will be granted nor that corrections will not be required in order to meet provisions of the Standard Building Codes.
- M. Compliance with Licensing Requirements. It shall be the duty of every contractor who 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 all state or local rules and regulations concerning licensing which the County has adopted. In cases where the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the local government with their license number before receiving a permit for work to be performed.

#### **SECTION VIII. APPLICATION REQUIREMENTS; DRAWINGS AND SPECS.**

- A. Application Requirements. Each application for a permit, along with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or 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 building or structure. The application shall provide such information as is required to confirm compliance with this Ordinance and applicable codes, and shall be accompanied by drawings or site plans as are required for these purposes. The applicant is advised that special agricultural setback provisions exist in the Bartow County Zoning Ordinance, and that other requirements contained in the Bartow County Development Regulations, the Bartow County Flood Damage Prevention Ordinance, and the Bartow County Soil Erosion and Sedimentation Ordinance may apply, and the applicant is advised to check with the Zoning Department and Engineering Department. Issuance of a building permit is not a guaranty that the erection of the structure is lawful and in compliance with all other applicable ordinances.
- B. Additional Application Requirements. Each application for a building permit shall also be accompanied by the following:
  - 1. a septic permit from the Health Department (if on septic);
  - 2. a sewer tap permit from the Water Department if on sewer and not in an approved subdivision (i.e. is on an existing lot);

3. a water tap permit from the Water Department if not in an approved subdivision (i.e. is on an existing lot);
  4. a driveway permit may be required from the Department of Transportation if the property fronts on a State Highway or road or any access is desired to a State Highway, or from the Bartow County Road Department if the property fronts on a County road or any access is desired from a County road, and those Departments should be consulted;
  5. such other information as may be requested for determining whether the provisions of this Ordinance are being observed and complied with; and
  6. such other information as may be requested by the Building Official or elsewhere in this Ordinance.
- C. Accessory Buildings. Accessory buildings in residential and agricultural zoning districts shall not require site plans. However, such applications must be provided with certification that such buildings will meet all applicable setbacks and comply with any relevant special agricultural zoning setbacks contained in the Bartow County Zoning Ordinance. Accessory buildings are only permitted in the rear yard.
- D. Survey. In such cases as are deemed appropriate by the Building Official, said official may require a boundary line survey prepared by a licensed surveyor in addition to the site plans and drawings described above, to ascertain precise dimensions.
- E. Drawings and Specifications Required. When required by the Building Official, 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 contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the Standard Building Codes. Such information shall be specific, and the Standard Building 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.
- F. Additional Supporting Information. The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of the calculations. All drawings, specifications and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with their official seal.
- G. Supervision by Engineer or Architect. Whenever i) a permit is issued in reliance upon an affidavit pursuant to Section X(F) above; or ii) the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex; or iii) the permit relates to construction of any work or structures involving

professional engineering which by the nature of their function or existence could adversely affect or jeopardize the health, safety or welfare of the public, then the Building Official shall require that a registered professional architect or engineer shall supervise such work. Under condition (iii) above, the Building Official shall also require sealed plans and specifications from an architect or engineer, unless another exemption applies. Condition (iii) shall not apply to any construction costing \$100,000 or less or which is used exclusively for private or noncommercial purposes, for private residences, or for noncommercial farm buildings, or residence buildings not exceeding two stories.

In addition, said architect or engineer shall i) be responsible for conformity with the permit, ii) provide copies of inspection reports as inspections are performed, and iii) upon completion, make and file with the Building Official a written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the Standard Building Codes. In the event such architect or engineer is not available, the owner may employ in his stead a competent person or agency whose qualifications are reviewed and approved by the Building Official.

H. Exemption from Professional Certification. The State of Georgia requires certain buildings to have the seal of an architect on the plans, and the architect must have a current registration to practice in this state and be competent in the subject matter of the documents by virtue of experience or education or both. Certain structures are *exempt* from the seal of an architect. Such requirements are governed by Article 1 of Chapter 4 of Title 43 of the Official Code of Georgia. For information purposes only, the following summary is provided, but the state law controls this requirement.

1. One and two family residences and domestic outbuildings;
2. Any building classified as an agricultural occupancy upon any farm for the use of any farmer; any state-owned farmer's market;
3. Any building which is a single story building, not exceeding more than 5,000 square feet in area, except new or existing assembly occupancies, correctional or detention facilities, hotels, dormitories or lodging facilities, multi-family housing or apartment complexes, and care facilities;
4. Pre-engineering buildings that are one story in height, except new or existing assembly occupancies, educational occupancies, health care occupancies, correction or detention facilities, hotels, or apartment complexes, care facilities and facilities classified as "high hazard"; provided, however, that the services of a duly registered architect shall be required for the design of any business or mercantile occupancies that exceed 5,000 square feet in area that are incidental to the operation in such building; and
5. Non-load bearing interior construction in existing or planned office structures which were designed by a registered architect, where drawings and specifications are prepared by a Georgia registered interior designer who also submits to the Building Official a notarized and signed statement on letterhead from a person in a position of authority within the

interior design firm certifying that the plans and specifications as submitted are in full compliance with the current building codes and regulations in effect.

- I. Fire Integrity. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls. For structures that are also subject to the State Fire Marshall's inspections (pursuant to state laws and regulations), the plans must be submitted and approved by the State Fire Marshall's office prior to being submitted to the Bartow County Building Inspections Department. Such requirements are governed by Chapter 2 of Title 25 of the Official Code of Georgia. For informational purposes only, the following summary is provided, but the state law controls this requirement, and O.C.G.A. § 25-2-13(b)(1) should be consulted for full details.
1. Buildings or structures more than three stories in height;
  2. Buildings with more than 15 sleeping accommodations for hire (hotels, motels, dormitories, etc.);
  3. Schools and academies for any combination of grades 1 to 12 having more than 15 children total enrolled as pupils; all state funded kindergarten programs;
  4. Hospitals, health care centers, mental health facilities, nursing homes, jails, colleges, universities, technical schools, orphanages, convalescent homes providing lodging, personal care or nursing care for more than four persons on a 24-hour basis;
  5. Racetracks, stadiums, grandstands, theaters, and auditoriums; restaurants, bars, lounges, and nightclubs; dance halls and recreation centers; any other place of assembly having an occupant load of more than 300 people (or more than 100 persons if alcohol is served);
  6. Churches having an occupant load of 500 or more persons in a common area or 1,000 or more persons based on total occupant load;
  7. Department stores, shopping centers, and retail shops with more than 25,000 square feet on any one floor (including multi-tenant shopping centers unless separated by walls with two-hour fire resistance);
  8. Group daycare homes and daycare centers required to be licensed by the state and enrolling at least seven children; and
  9. Personal care homes required to be licensed by the state and having at least seven beds.
- J. Additional Requirements. 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 these codes or other Standard Building Codes, shall be determined by the Building Official.

- K. Alternative Materials. The provisions of the Standard Building Codes are not intended to prevent the use of any material or method of the construction not specifically prescribed by them, provided any such alternate has been reviewed by the Building Official. The Building Official shall approve any such alternate, provided the Building Official finds that the alternate, for the purpose intended, is at least the equivalent of that prescribed in the Standard Building Codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.
- L. Hazardous Occupancies. For hazardous occupancies, the Building Official may require the following:
1. Site Plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazardous materials stored.
  2. 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.
  3. Professional Supervision. Any permit issued for a hazardous occupancy requires that a registered professional architect or engineer shall supervise such work. See Section X(g) below.
- M. Safe Loading of Floors. An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.
1. Professional Certification Required. 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 an architect or engineer licensed in the state of Georgia in computing 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.

## SECTION IX. FEES

- A. Fees. A permit shall not be issued until the fees prescribed by the County have been paid nor shall an amendment to a permit be released until any additional fee has been paid. Re-inspection fees may be charged if a re-inspection is required.
- B. Time of Payment. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid at the time of filing the application, in accordance with the fee schedules as set by the County. An application where no fee has been paid may be refused or may be accepted and considered incomplete.
- C. Penalty. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing, or other system before obtaining the necessary permits, shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

## SECTION X. INSPECTIONS

- A. Inspections. Before issuing a permit, the Building Official shall examine or cause to be examined any building, electrical, gas, mechanical or plumbing system for which an application has been received for a permit to enlarge, alter, repair, install, or change the occupancy of an existing building. 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 Standard Building Codes. 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.
- B. Inspections of Off-Site Manufacturing or Fabrication. When deemed necessary by the Building Official, 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 violations of the Standard Building Codes.
- C. Required Inspections. The Building Official upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical code. 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 Standard Building Codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service, except that no inspection of water and sewer line connections may be made by anyone other than an official with Bartow County.

## Typical Order of Inspections

### 1. BUILDING

- a. Foundation Inspection: To be made after trenches are excavated and forms erected.
- b. 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.
- c. Final Inspection: To be made after the building is completed and ready for occupancy.

### 2. ELECTRICAL

- a. Temporary construction pole inspection, where applicable.
- b. Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing are in place and prior to the installation of wall or ceiling insulation.
- c. Temporary Power Release: 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.
- d. 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.

### 3. PLUMBING

- a. Underground Inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place. An affidavit from a Georgia licensed plumber confirming compliance can be accepted in lieu of the underground inspection. The affidavit must be from the licensed plumber that installed the plumbing.
- b. Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing are in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
- c. 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.
- d. Note: See the Standard Plumbing Code for required tests.

#### 4. MECHANICAL

- a. **Underground Inspection:** To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
- b. **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.
- c. **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.

#### 5. GAS

- a. **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.
- b. **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.
- c. **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, to insure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

D. Approval for Further Work. 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 Building Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation.

E. Work to Be Left Exposed. Reinforcing steel, structural frame, plumbing, and work on any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Official. In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Building Official after all lathing and backing is in place. Plaster shall not be applied until the release from the Building Official has been received.

F. Affidavit in Lieu of Inspections. The Building Official may accept a sworn affidavit from a professional architect or engineer, licensed in the State of Georgia, stating that the plans submitted conform to the Standard Building 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 by a statement that the plans and design conform to the requirements of the Standard Building 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 of inspection reports as inspections are performed; and upon completion of the structure, electrical, gas, mechanical or plumbing systems, agrees to submit a certification that the structure, electrical, gas, mechanical or plumbing system (except for the lines connecting to the public system) has been erected in accordance with the requirements of the Standard Building 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 Standard Building Codes and other pertinent laws or ordinances.

- G. Supervision by Engineer or Architect. 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 a registered professional architect or engineer 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 a written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the Standard Building 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 Building Official.
- H. Tests. The Building Official may require tests or test reports as proof of compliance with the provisions of the codes. Required test are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

## SECTION XI. CERTIFICATES

- A. Certificate of Occupancy Required. 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 Building Official 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 and are in compliance with the Standard Building Codes and other applicable laws and ordinances and released by the Building Official.
- B. Issuance of 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 Standard Building Codes, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted.

- C. Temporary/ Partial C.O. 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.
- D. Application Requirements. A Certificate of Occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the Standard Building Codes for the occupancy intended. Where necessary, in the opinion of the Building Official, 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 Standard Building Codes and other applicable laws and ordinances for such occupancy, a Certificate of Occupancy shall be issued.
- E. 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 does not grant authority to occupy a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

## SECTION XII. SERVICE UTILITIES

- A. Utility Approval Required. No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the Standard Building Codes for which a permit is required, until released by the Building Official.
- B. Temporary Utility Connection. The Building Official may authorize the temporary connection of the building or system to utility source of energy, fuel or power for the purpose of testing building service systems or for the use under a temporary Certificate of Occupancy.
- C. Disconnection in Emergency. The Building Official shall have the power to authorize disconnection of utility service to the building, structure or system regulated by the Standard Building Codes, in the case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

## SECTION XIII. ENFORCEMENT

- A. Enforcement Powers. The Building Official is empowered to enforce this Ordinance and the Standard Building Codes. The Building Official shall be empowered to issue citations, seek other civil relief, or issue stop work orders for violations of this ordinance. The Building Official shall also have the power to revoke a certificate of occupancy and to order a building

be vacated, in cases of threat to the public health, safety or welfare. Any person, firm, partnership, corporation or other legal entity who shall do anything prohibited by this Ordinance as the same exists or as it may hereafter be amended or which shall fail to do anything required by this Ordinance as the same exists or as it may hereafter be amended shall be subject to an enforcement action.

- B. Right of Inspection. Whenever necessary to make an inspection to enforce any of the provisions of this Ordinance, or whenever the Building Official 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 system unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by these Standard Building Codes, provided that if such building or premises is occupied, 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 Building Official shall have recourse to every remedy provided by law to secure entry, including inspection warrants or search warrants. No warrant shall be required to investigate visible and open violations or uses.
  
- C. Interference with Building Official. When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any others 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 Building Official for the purpose of inspection and examination pursuant to this Ordinance.
  
- D. Persons Who May Be Cited. Owners are ultimately responsible for the condition of their property and ensuring that their property and all activity occurring on such property is in compliance with this Ordinance. For any violation, both the owner of the property and/or the individual agent, tenant or invitee of the owner responsible for the violation may be cited, where appropriate. Agents of the owner would include, but not be limited to, developers, builders, contractors, and sub-contractors. Tenants and invitees would include, but not be limited to, any renter, leaseholder, owner of any vehicle or structure on the property, or other person conducting an activity on the property who is not a trespasser. Corporations and companies responsible for the work may be cited in addition to or in lieu of citations issued to the actual individuals on site committing violations.
  - 1. Daily Violations. Each day during which the violation or failure or refusal to comply continues shall constitute a separate violation, subjecting the offender to a new citation, or other civil or criminal proceeding.
  - 2. Multiple Violations. Each separate action, omission, or occurrence relating to any specific provision of this Ordinance shall be a separate violation, subjecting the offender to a separate citation. Any offender may be cited with a maximum of ten citations per day.

- E. Criminal Prosecution. The Building Official, or designated code enforcement personnel, or other authorized personnel, may issue criminal citations for violations of this ordinance, or violation of any stop-work order.
1. Criminal prosecutions for violation of this Ordinance shall be commenced by the completion, signing, and service of a citation by an authorized county official or zoning enforcement officer. No warning need be issued prior to a citation being issued. The original of the citation shall be personally served upon the accused, his or her authorized representative or, if a corporation, an officer of the corporation or its on-site representative or the person or persons in charge of the activity on the property, and a copy shall be promptly filed with the magistrate court. A stop-work order may be issued in conjunction with a citation.
  2. Each citation shall state the time and place at which the accused is to appear for trial in magistrate court, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the Court, shall indicate the identity of the accused and the date of service, and shall be signed by the deputy sheriff or other authorized officer who completes and serves it.
  3. Any Defendant who fails to appear for trial shall thereafter be arrested on the warrant of the Magistrate and be required to post a bond for his or her future appearance.
  4. The District Attorney, County Attorney, or another attorney designated by Bartow County may act as prosecuting attorney for violations of this Ordinance.
  5. Fines shall be assessed in accordance with Sec. XIV.
- F. Civil Fines and Proceedings. In addition to or in lieu of any other remedy, the County may seek injunctive, mandamus or other appropriate relief in superior court to enjoin or prevent a violation of any provision of this Ordinance. Such action may also seek civil fines at the mandatory rates specified in Section XIV for violation of this Ordinance, and may additionally seek the costs of restitution, and any other costs associated with the action to enjoin or prevent any violation of any provision of this Ordinance. The County shall be entitled to its reasonable attorney's fees and costs for bringing an action in superior court wherein any relief is granted or fine assessed.
- G. Stop Work Orders. Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the Standard Building 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 Building Official shall not be required to give a written notice prior to stopping the work, with a written order to be provided within three working days.

1. Stop work orders shall affect all work being done on a project or development (including work done on other lots in the subdivision owned by the same violator). Stop work orders stop not only the work in violation, but all other work by contractors or sub-contractors on the same property. Only work to remedy the deficiency shall be allowed until the stop work order is lifted.
2. A stop work order shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed.
3. Stop work orders may be issued on their own, or in conjunction with criminal citations, or civil proceedings in superior court.
4. Issuance of a stop work order may be appealed to the Construction Board of Adjustments and Appeals.

H. Additional Criminal Penalties. Persons cited criminally are also subject to the other penalties within the jurisdiction of the magistrate court, including incarceration of up to 60 days, community service, and probation.

I. False Statements. The Building Official may revoke a permit or approval, issued under the provisions of this Ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

J. Permit Revocation. The Building Official may revoke a permit or approval, issued under the provisions of this Ordinance, upon determination by the Building Official that the construction, erection, alteration, repair, 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 this Ordinance.

K. Unlawful Occupancy. It shall be unlawful to occupy a building or structure that fails to comply with the provisions and requirements of this Ordinance and the Standard Building Codes. Furthermore,

1. It shall be unlawful to occupy unsafe buildings or structures. Unsafe buildings and structures are buildings and structures that: 1) are unsafe due to failure to comply with Standard Building Codes, 2) are unsanitary, 3) do not provide adequate egress, 4) constitute a fire hazard, 5) are otherwise dangerous to human life, 6) in relation to existing use, constitute a hazard to safety or health, or 7) are unsafe because they contain an unsafe system, as defined below.
2. It shall be unlawful to occupy a structure without permitted electrical, gas, mechanical or plumbing systems or with unsafe systems. An unsafe system is an electrical, gas, mechanical or plumbing system that 1) is unsafe due to failure to comply with Standard

Building Codes, 2) is unsanitary, 3) constitutes a fire hazard, 4) is otherwise dangerous to human life, or 5) in relation to existing use, constitutes a hazard to safety or health.

3. It shall be unlawful to occupy a structure without a certificate of occupancy.
4. It shall be unlawful to occupy a structure that is in violation of the Standard Building Codes such that it is unfit or unsafe to occupy.
5. It shall not be permitted to power one structure by a drop cord or other extension cord extended from an adjacent structure or lot. It shall be unlawful to occupy a structure powered in this fashion. During construction of a permitted structure, temporary power may be used where a temporary power permit has been issued.

L. Remedies for Unlawful Occupancy. In cases of unlawful occupancy, the Building Official has the following remedies available, which are not mutually exclusive; more than one remedy can be sought simultaneously:

1. The Building Official may issue a citation.
2. The Building Official may issue a stop work order, if there is any work ongoing.
3. The Building Official may seek civil relief (injunction, fines, etc.) to prevent any unlawful occupancy or to remove occupants of an unlawful home.
4. The Building Official may seek to abate any unlawful occupancy that constitutes a nuisance under the general nuisance law.
5. The Building Official may seek repair and rehabilitation, or demolition, of unsafe structures, in accordance with provisions of the Bartow County Unfit Property Ordinance.
6. The Building Official shall be empowered to revoke a certificate of occupancy where the structure is unsafe or contains unsafe systems.

M. Unsafe Work. Upon determination that any work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the Standard Building Codes or in a dangerous or unsafe manner, the Building Official shall be authorized to issue a stop work order, or a citation, or seek other civil relief, including injunctive relief.

N. Methamphetamine Production Houses. Any structure used to produce methamphetamine is an unsafe structure, and the Building Official shall have all remedies available in subparagraph (l) above to address the problem.

## SECTION XIV. FINES

- A. Fine Schedule. Fines assessed under this Ordinance shall be assessed according to the following mandatory schedule, whether assessed as a civil fine in superior court, or assessed as a criminal penalty upon conviction in magistrate court. The maximum permissible fine shall be \$1,000 per offense. In no event shall a fine be reduced below the mandatory minimum, as set forth below. Fines may be increased by mandatory add-ons under State law. As a deterrent to violation, second and subsequent violations by the same offender of any provision of this Ordinance, whether violations of the same or different provisions of this Ordinance as the initial violation, and whether involving the same or different property, shall increase the fine owing. However, repeated citations for the same violation on a second and subsequent days shall not count as a subsequent violation, but shall rather be assessed at the same rate as the initial violation.
1. First Violation: For the first violation of any provision of this Ordinance by any violator (whether an individual or corporation), the fine shall be \$200.
  2. Second Violation: For the second violation of any provision of this Ordinance (whether the same or different as the first violation) by the same violator (whether an individual or corporation), the fine shall be \$400.
  3. Third and Subsequent Violations: For the third and subsequent violation of any provision of this Ordinance (whether the same or different as the prior two violations) by the same violator (whether an individual or corporation), the fine shall be \$600.

## SECTION XV. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

- A. Board Established. There has been previously established a Board to be called the Construction Board of Adjustment and Appeal, which shall continue its existence under this Ordinance. Said Board consists of five members and two alternates, appointed by the Commissioner.
1. Board Members. Such Board members shall be composed of individuals with knowledge and experience in the Standard Building Codes, such as design professionals, contractors or building industry representatives. In addition to the regular members, there shall be two alternate members, one member at large from the building industry and one member at large from the public. A Board member shall not act in a case in which he has a personal or financial interest.
  2. Terms. Members of the Board shall be appointed for a term of three years; provided that, the term of the initial members may be for less than three years so that the terms of members shall be staggered. The two alternates, if appointed, shall also serve three-year terms. Vacancies shall be filled for an unexpired term in the same manner in which

original appointments are made. Continued absence of any member from three consecutive meetings of the Board shall, at the discretion of the Commissioner, render such member subject to immediate removal from office. Members are eligible for reappointment.

3. Voting. A simple majority of the Board shall constitute a quorum. In varying any provision of this ordinance, the affirmative votes of the majority present shall be required. In modifying a decision of the Building Official, not less than two affirmative votes shall be required. In the event that regular members are unable to attend a meeting, an alternate member shall serve and shall have the right to vote.
4. Secretary. The Chief Building Inspector shall act as Secretary of the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.
5. By-Laws. The Board shall establish rules and regulations for its own procedures not inconsistent with the provisions of this Ordinance. The Board shall meet on call of the Chairman. The Board shall meet within 30 calendar days after notice of appeal has been received.

B. Appeals and Variances. The Construction Board of Adjustments and Appeals shall have the power to hear the appeals of decisions and interpretations of the Building Official and consider variances of the Standard Building Codes more specifically as listed in the following paragraphs.

C. Appeals. The owner of a building, structure or service system, or his contractor, may appeal a decision of the Building Official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system;
2. The provisions of the applicable code do not apply to this specific case;
3. That an equally good or more desirable form of installation can be employed in any specific case; or
4. The true intent and meaning of the codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

D. Time for Filing Appeals. Notice of appeal of any decision of the Building Official shall be in writing and filed within 30 calendar days after the Building Official renders his decision. Appeals shall be in a form provided by the Building Official.

- E. Variances. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provisions of the codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Ordinance or Standard Building Codes or public interest, and also finds all of the following:
1. That special conditions and circumstances exist which are peculiar to the building, structure or service systems involved and which are not applicable to others;
  2. That the special conditions and circumstances do not result from the action or inaction of the applicant;
  3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other building, structure or service systems;
  4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service systems; and
  5. That the grant of the variance will be in harmony with the general intent and purpose of this Ordinance and will not be detrimental to the public health, safety and general welfare.
- F. Time Limits, Conditions. In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of the conditions of a variance shall be deemed a violation of this Ordinance.
- G. Finality. The decision of the Board shall be final, subject only to review by writ of certiorari to the Superior Court of Bartow County.
- H. Limitations on Variances; Improper Variance Requests. Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the Building Official, a request that would constitute a text amendment, then the application shall not be accepted. A variance application shall not be accepted if the variance is contradictory to the ordinance (such as reducing a requirement to zero or totally eliminating a requirement). The applicant shall instead be directed to file for a text amendment. Generally, variances can only be given to alter a numeric value, unless otherwise specified. A variance application shall not be accepted if the variance seeks something that cannot be varied.

**SECTION XVI. SEVERABILITY**

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid. It is hereby declared to be the intent of the Commissioner to provide for separable and devisable parts and he does hereby readopt any and all parts hereof as may not be held invalid for any reason.

**SECTION XVII. REPEALER AND EFFECTIVE DATE**

This Ordinance replaces the prior Building Code Ordinance, July 16, 1997 and amended August 9, 2000. In the event all of this Ordinance is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinance shall be considered to not have been repealed, and shall therefore still be in effect.

These Regulations shall take effect and be in force as of the date of their adoption, the public welfare of Bartow County demanding.

Amended this 4th day of June, 2008.

BARTOW COUNTY, GEORGIA

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Clarence Brown, Commissioner of Bartow County

Exemplification: The foregoing is a true and correct copy of the Bartow County Building Code Ordinance, as adopted November 9, 2005, amended and readopted January 3, 2007, and amended June 4, 2008.

ATTEST:

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Kathy Gill, Clerk of Bartow County