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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Permits and Inspections

Department Head: Joe Scarborough

Presenter, if needed: Joe Scarborough

Preferred Meeting Date: Wednesday, December 3, 2008

Wording for the Agenda:

Consideration of a request from the Permits and Inspections Department that the Fayette County Code of Ordinances, Sections 5-1 and 5-4 be amended to allow the automatic adoption of updated building codes whenever new editions or amendments are adopted by the State.

Background/History/Details:

Historically, Fayette County has adopted "year specific" editions of the Georgia State Minimum Standard Codes, Georgia State Optional Codes, and State Amendments to these Codes. In the past when a new edition or amendments to these codes has been adopted by the State, the Permits and Inspections Department has requested that the Board of Commissioners likewise adopt that year's new code or new set of amendments. If the request is granted, the proposed ordinance would amend the Fayette County Code to allow these new codes and amendments to become "automatically" adopted by Fayette County and thus, the Department would not need to request amendments to the Fayette County Code every time a new building code change occurs.

The Attorney has prepared an ordinance for your consideration.

What action are you seeking from the Board of Commissioners?

Consideration of Ordinance 2008 - 11 amending the Fayette County Code Ordinances, Sections 5-1 and 5-4, which would allow for automatic adoption of building codes and amendments whenever the State adopts a new edition or new amendments to the State Codes.

If this item requires funding, please describe:

No funding required.

Has this issue come before the Commissioners in the past? No

If so, when?

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

STAFF USE ONLY

Approved by Finance? Yes

Reviewed by Legal? Yes

Approved by Purchasing? Yes

Approved by Administrative Staff? Yes

Staff Notes

Administrator's Approval Yes

Confirmed Meeting Date Wednesday, December 3, 2008

- ○ Recognition/ Presentation
- ○ Public Hearing
- ○ Old Business
- ◉ New Business
- ○ Consent
- ○ Report
- ○ Other

Art. X. Abatement of Nuisances, §§ 5-901—5-907

ARTICLE I. ADMINISTRATION AND ENFORCEMENT*

DIVISION 1. GENERAL

Sec. 5-1. Definitions.

For the purposes of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined in chapter 2 of the various construction codes, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, publish date June 1, 2002 (ISBN: 0877792011), shall be considered as providing ordinarily accepted meanings. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. The use of "person" shall include "firm or corporation" within the context with which they are used.

Approved means approved by the code official or other authority having jurisdiction.

Approved agency means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, where the agency has been approved by the code official.

Building official means director of permits and inspections.

Code official means director of permits and inspections.

Delete:

Construction codes means Codes adopted to regulate the design, construction, maintenance and safety of buildings, structures and property. Construction codes currently governed by this chapter include the 2006 Edition of the International Building Code®, International Residential Code® for One- and Two-Family Dwellings, International Mechanical Code®, International Plumbing Code®, International Code Council Electrical Code®, and International Fuel Gas Code®; the 2005 Edition of the National Electrical Code®; the 2003 Edition of the International Property Maintenance Code® and International Existing Building Code®; and the 2000 Edition of the International Energy Conservation Code®.

Department of building safety means Fayette County Permits and Inspections Department.

Department of inspection means Fayette County Permits and Inspections Department.

Department of electrical inspection means Fayette County Permits and Inspections Department.

***Editor's note**—See editor's note chapter 5.

STATE OF GEORGIA;
FAYETTE COUNTY

ORDINANCE NUMBER 2008-11

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, FAYETTE COUNTY, GEORGIA TO AMEND CHAPTER 5, BUILDINGS, GENERAL FEES, ARTICLE I., ADMINISTRATION AND ENFORCEMENT; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION BY DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

Whereas, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

Whereas, the governing authority desires to amend the provision that provides for the adoption of construction codes as required by the State of Georgia;

Whereas, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. Part of the Fayette County Code, is hereby amended by deleting the definition of "Construction codes" found in section 5-1, of the Code of Ordinances, Fayette County, Georgia, in its entirety.

Section 2. Part of the Fayette County Code, is hereby amended by adding a new section 5-4 to the Code of Ordinances, Fayette County, Georgia, to read as follows:

Sec. 5-4. Adoption of Construction Codes.

The following codes, as amended from time to time by the State of Georgia, are hereby adopted as the construction codes for the County, except for those administrative and enforcement sections where are provided for herein:

A. International Building Code (ICC);
B. National Electrical Code (NFPA);
C. International Fuel Gas Code (ICC);
D. International Mechanical Code (ICC);
E. International Plumbing Code (ICC);
F. International Residential Code for One- and Two-Family Dwellings (ICC);
G. International Energy Conservation Code (ICC);
H. International Fire Code (ICC);
I. International Existing Building Code (ICC);
J. International Property Maintenance Code (ICC); and
K. Any other codes deemed appropriate by the board for the safety and welfare of Georgia's citizens.

Section 3. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

Section 6. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

IT IS SO ORDAINED THIS 3rd DAY OF DECEMBER, 2008.

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
Jack Smith, Chairman

ATTEST:

_____
Floyd L. Jones, Deputy Clerk